Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, SATURDAY, NOVEMBER 17, 1951.

NOTIFICATION.

No. L.D. 1555—Legis. 50-51-1, dated Bangalore, 17th November 1951.

dered that the accompanying Mysore Legislature ntion of Disqualification) (Second Amendment) nce, 1951, which was promulgated by His ess the Rajpramukh of Mysore on the Seventeenth f November 1951, be published as Mysore Ordinance IV of 1951, in the *Mysore Gazette*, for general rmation.

MYSORE ORDINANCE No. IV OF 1951.

THE MYSORE LEGISLATURE (PREVENTION OF DISQUALIFICATION) (SECOND AMENDMENT) ORDINANCE, 1951.

(Promulgated by His Highness the Rajpramukh of Mysore on the Seventeenth day of November 1951).

An Ordinance further to amend the Mysore Legislature (Prevention of Disqualification) Act, 1951.

Preamble.

Whereas the Mysore Legislative Assembly is not in on and the Rajpramukh of Mysore is satisfied that umstances exist which render it necessary for him to immediate action further to amend the Mysore islature (Prevention of Disqualification) Act, 1951, Mysore Act XXV of 1951), for the purpose hereinafter ppearing;

Now, therefore, in exercise of the powers confer by clause (1) of article 213 read with article 238 of Constitution of India, the Rajpramukh of Mysore pleased to promulgate the following Ordinance :—

Short title and commencement.

1. (1) This Ordinance may be called the Legislature (Prevention of Disqualification Amendment) Ordinance, 1951.

(2) It shall come into force at once.

Amendment of Schedule to Mysore Act No. XXV of 1951.

2. In the Schedule to the Mysore Legis (Prevention of Disqualification) Act, 1951, for item 2 following item shall be substituted, namely—

"2. Chairman, Director or Member of any Commit Board or Council appointed by the Government of I or by the Government of Mysore or by the Go ment of any other State specified in the First Sched the Constitution of India."

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

Registered No. M. 1175.

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BANGALORE, SATURDAY, NOVEMBER 17, 1951

THE REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES, 1950.

Notice under Rule 5-A.

For the purpose of preparation of the Electoral Rolls for the Graduates' Constituency for elections to the Legislative Council of the State of Mysore, every person who is qualified to be registered in the electoral roll for the said Constituency under sub-section (5) of Section 27 of the Representation of the People Act, 1950 (XLIII of 1950) and who desires to be so registered is invited to submit an application in Form VII to the Electoral Registration Officer of the Constituency in the electoral roll for which he desires to be registered, so as to reach the Electoral Registration Officer namely, the Registrar, University of Mysore, Mysore, not later than the 10th day of December 1951.

Copies of Form VII will be supplied free by the Chief Electoral Officer or the Electoral Registration Officer of the Graduates' Constituency on application.

K. P. RAMANATHAIYA,

Chief Electoral Officer for Mysore.

Place: Bangalore.
Dated the 17th November 1951.

THE REPRESENTATION OF THE PEOPLE ACT, 1950.

Section 27.—(3) For the purpose of elections to the Legislative Council of a State in the graduates' constituencies and the teachers' constituencies, the State Government concerned may, with the concurrence of the Election Commission, by notification in the Official Gazette, specify—

(*a*) the qualifications which shall be deemed to be equivalent to that of a graduate of a university in the territory of India; and

(*b*) the educational institutions within the State not lower in standard than that of a secondary school.

(4) The provisions of sections 15, 16, 18, 20, 22, 23 (excluding the proviso), 24 and 25 shall apply in relation to Council constituencies as they apply in relation to Parliamentary constituencies.

(5) Subject to the foregoing provisions of this section,—

(a) every person who on the qualifying date was a member of any such local authority within a local authorities' constituency as is referred to in sub-section (2) shall be entitled to be registered in the electoral roll for that constituency;

(b) every person who on the qualifying date was ordinarily resident in a graduates' constituency and has, for at least three years before that date, been either a graduate of a university in the territory of India or in possession of any of the qualifications specified under clause (a) of sub-section (3) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency; and

(c) every person who on the qualifying date, was ordinarily resident in a teachers' constituency, and has, within the six years immediately before that date for a total period of at least three years, been engaged in teaching in any of the educational institutions specified under clause (b) of sub-section (3) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency.

(6) For the purpose of this section, the qualifying date in the case of every electoral roll shall be the 1st day of April of the year in which the roll is prepared.

THE REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES, 1950.

Notice under Rule 5-A.

For the purpose of Preparation of the Electoral Rolls for the Teachers' Constituency for elections to the Legislative Council of the State of Mysore, every person who is qualified to be registered in the electoral roll for the said Constituency under sub-section (5) of Section 27 of the Representation of the People Act, 1950 (XLIII of 1950) and who desires to be so registered is invited to submit an application in Form VII to the Electoral Registration Officer of the Constituency in the electoral roll for which he desires to be registered, so as to reach the Electoral Registration Officer namely, the Director of Public Instruction in Mysore, Bangalore, not later than the 10th day of December 1951.

Copies of Form VII will be supplied free by the Chief Electoral Officer or the Electoral Registration Officer of the Teachers' Constituency on application.

K. P. RAMANATHAIYA,
Chief Electoral Officer for Mysore.

Place: Bangalore.
Dated the 17th November 1951.

THE REPRESENTATION OF THE PEOPLE ACT, 1950.

Section 27.—(3) For the purpose of elections to the Legislative Council of a State in the graduates' constituencies and the teachers' constituencies, the State Government concerned may, with the concurrence of the Election Commission by notification in the Official Gazette, specify—

(*a*) the qualifications which shall be deemed to be equivalent to that of a graduate of a university in the territory of India; and

(*b*) the educational institutions within the State not lower in standard than that of a secondary school.

(4) The provisions of sections 15, 16, 18, 20, 22, 23 (excluding the proviso), 24 and 25 shall apply in relation to Council constituencies as they apply in relation to Parliamentary constituencies.

(5) Subject to the foregoing provisions of this section,—

(*a*) every person who on the qualifying date was a member of any such local authority within a local authorities' constituency as is referred to in sub-section (2) shall be entitled to be registered in the electoral roll for that constituency;

(*b*) every person who on the qualifying date was ordinarily resident in a graduates' constituency and has, for at least three years before that date, been either a graduate of a university in the territory of India or in possession of any of the qualifications specified under clause (*a*) of sub-section (3) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency; and

(*c*) every person who on the qualifying date, was ordinarily resident in a teachers' constituency, and has, within the six years immediately before that date for a total period of at least three years, been engaged in teaching in any of the educational institutions specified under clause (*b*) of sub-section (3) by the State Government concerned shall be entitled to be registered in the electoral roll for that constituency.

(6) For the purpose of this section, the qualifying date in the case of every electoral roll shall be the 1st day of April of the year in which the roll is prepared

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, OCT. 18, 1951 [No. 41

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4400—L.A., dated Bangalore, 8—10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the Mysore Suits Valuation Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE SUITS VALUATION BILL, 1951.

(*Presented on 8th October* 1951.)

We, the members of the Select Committee to which the Mysore Suits Valuation Bill, 1951, was referred, have

considered the several clauses of the Bill and have the honour to submit the following report :—

Clause 7.—We recommend that the date from which Part II should be extended should be the first day of January 1952 and we accordingly recommend that for the word and figure "July, 1951" the word and figure "January, 1952" may be substituted.

Clause 10.—(i) We recommend that in sub-clause (4) for the words "or other enactment" the words "or any other enactment" may be substituted.

(ii) We recommend that in sub-clause (5) for the word and figure "July, 1951" the word and figure "January, 1952" may be substituted.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 14th March 1951. In our opinion, the Bill has not been so altered as to require circulation.

K. T. BHASHYAM (*Chairman*).
H. SIDDAVEERAPPA.
KADIDAL MANJAPPA.
SYED ABDUR RAHMAN.
MOHAMED HANIEF.
H. SIDDANANJAPPA.
T. RAMACHAR.
M. C. VENKATESHAN.
MALI MARIYAPPA.

BANGALORE,
2nd July 1951.

[As amended by the Select Committee.]

(Words underlined indicate the amendments suggested by the Committee.)

THE MYSORE SUITS VALUATION BILL, 1951.

A Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto.

Preamble.

Whereas it is expedient to prescribe the mode of valuing suits for the purpose of determining the jurisdiction of courts with respect thereto;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Suits Valuation Act, 1951.

(2) It shall come into force at once.

PART I.

Suits Relating to Land.

Extent and commencement of Part I.

2. This part shall extend to such local areas, and come into force therein on such dates as the State Government may, by notification in the *Mysore Gazette*, appoint.

Power for State Government to make rules determining value of land for jurisdictional purposes.

3. (1) The State Government may make rules for determining the value of the land for purposes of jurisdiction in the suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi and paragraph x, clause (d).

(2) The rules may determine the value of any class of land or of any interest in land in the whole or any part of a local area and may prescribe different values for different places within the same local area.

Valuation of relief in certain suits relating to land not to exceed the value of the land.

4. Where a suit mentioned in the Mysore Court Fees Act, 1900, section 4, paragraph iv, or Schedule II, article 11, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

Making and enforcement of rules.

5. (1) The State Government shall, before making rules under section 3, consult the High Court with respect thereto.

(2) A rule under the section shall not take effect till the expiration of one month after the rule has been published in the *Mysore Gazette.*

Repeal of section 11 of the Mysore Act I of 1883.

6. On and from the date on which rules under section 3 take effect in any local area, section 11 of the Mysore Civil Courts Act, 1883, shall stand repealed as regards that local area.

PART II.

OTHER SUITS.

Extent and commencement of Part II.

7. This part extends to the whole of the State of Mysore and shall come into force on the first day of January, 1952.

Court-fee value and jurisdictional value to be the same in certain suits.

8. Wherein suits other than those referred to in the Mysore Court Fees Act, 1900, section 4, paragraphs v, vi and ix, and paragraph x, clause (d), court-fees are payable *ad valorem* under the Mysore Court Fees Act, 1900, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

Determination of value of certain suits by High Court.

9. When the subject matter of suits of any class, other than suits mentioned in the Mysore Court Fees Act, 1900, section 4, paragraphs v and vi, and paragraph x, clause (d) is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the State Government, direct that suits of that class shall, for the purposes of the Mysore Court Fees Act, 1900, and of this Act and

any other enactment for the time being in force, be treated as if their subject matter were of such value as the High Court thinks fit to specify in this behalf.

PART III.

SUPPLEMENTAL PROVISIONS.

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

10. (1) Notwithstanding anything in section 99 of the Code of Civil Procedure, 1908, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a court of first instance or lower appellate court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate court unless—

(*a*) the objection was taken in the court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate court in the memorandum of appeal to that court, or

(*b*) the appellate court is satisfied for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (*a*) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (*b*) of that sub-section, and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate court shall, so far as they can be made applicable, apply to a court exercising revisional jurisdiction

under section 115 of the Code of Civil Procedure, 1908, or any other enactment for the time being in force.

(5) This section extends to the whole of the State of Mysore and shall come into force on the first day of January, 1952.

Proceedings pending at commencement of Part I or Part II.

11. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any court,—

(*a*) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the case may be, or

(*b*) with respect to any appeal arising out of any such suit.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

NOTIFICATION.

No. 4401—L.A., Bangalore, dated 8-10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the City of Bangalore Improvement (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1951.

(*Presented on 8th October 1951.*)

We, the Members of the Select Committee appointed to consider the City of Bangalore Improvement (Amendment) Bill,1951, have examined the Bill in detail. We have also had the benefit of the opinion of the Bangalore Corporation on the provisions of the Bill offered to us by three representatives of the Corporation including the Mayor who met us and discussed the several provisions of the Bill with us. We have the honour to submit the following report :—

Clause 2.—We recommend that in items (i), (ii) and (iii) of this clause, the words 'shall be substituted' may be omitted and the following words inserted at the end of the clause :

"shall be substituted wherever they occur."

Clause 3.—We recommend that in item (1) of the proposed section 2, for the words "prescribed by", the words "payable under" may be substituted, in item (5) for the words "State Government", the words "Government of Mysore" may be substituted, item (9) may be omitted and items (10) and (11) renumbered as items (9) and (10).

Clause 7.—We are of the opinion that the Chairman should have power to incur expenditure up to Rs. 3,000 as in the case of the Commissioner of the Corporation and that the Board should have power to incur expenditure beyond Rs. 3,000 but up to a limit of Rs. 10,000, and that in respect of expenditure exceeding Rs. 10,000 the approval of the Government should be obtained. We also feel that within these limits power should be available to these authorities to call for tenders and sanction

estimates. We accordingly recommend that clause 7 may be recast as follows :—

"7. For section 10 of the said Act, the following section shall be substituted, namely :—

10. (1) The Chairman may, on behalf of the Board, sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract or other instrument."

Clause 9.—We think that the delegation by the Chairman of any of his powers and duties under this Act could be provided for by rules under section 42 of the Act, and we accordingly recommend that clause 9 may be deleted and suitable provision made under section 42 and the other clauses of the Bill suitably renumbered.

Clause 9. (Original clause 10).—We recommend that sub-section (2) of the proposed section 14 may be recast as follows:—

"(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Corporation if the Corporation places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise."

We recommend that in sub-section (3) of the proposed section 14, for the words "any other scheme", the words "any improvement scheme" may be substituted.

Clause 12. (Original clause 13).—We consider it desirable that alterations in the scheme should require the previous sanction of the Government if the difference between the scheme as sanctioned and the scheme as altered is more than 5 per cent of the sanctioned cost, instead of a fixed sum of Rs. 10,000 as suggested in the Bill. We accordingly recommend that in clause 12, for the words "ten thousand rupees" the words "five per cent" may be substituted.

Clause 13. (Original clause 14).—We recommend that the betterment fee should be one-third of the increase in value and not one-half. We accordingly recommend that in sub-section (2) of the proposed section 18-A, for the word "one-half", the word "one-third" may be substituted.

We consider that the period of 3 months proposed as the period within which an appeal should be filed before the District Judge against the award of the arbitrator is too long and should be reduced to one month and further that such appeals may lie not only against the decisions, but also against any orders of an arbitrator.

We accordingly recommend that in sub-section (4) of the proposed section 18-C, for the words "three months", the words "one month", and for the words "the decision" the words "any order or decision" may be substituted.

We recommend that in the proposed sub-section (1) of section 18-E, for the words "communicate his award", the words "communicate the substance of his award in writing" may be substituted.

We feel that the rate of interest on betterment fees which is outstanding payment should not be 6 per cent but only 4 per cent. We accordingly recommend that in the proposed sections 18-F, 18-G and 18-H, for the

words "six per cent" the words "four per cent" may be substituted.

We consider it unnecessary to have a provision like sub-section (5) of the proposed section 18-G. We recommend that it may be omitted.

We consider it desirable that where the Board takes up any improvement work under the proposed section 18-K, the Corporation should be consulted if the works relate to an area within the jurisdiction of the Corporation. We accordingly recommend that to the proposed section 18-K, the following proviso may be added :—

"Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore."

By the amendment to the proposed section 14, (Clause 9) recommended by us, the Board will take up new or additional improvement schemes on the recommendations of the Corporation, if the Corporation places the necessary funds for carrying out such schemes at the disposal of the Board. In such a case we think it equitable to provide for the payment of the betterment fees to the Corporation. We accordingly recommend that after the proposed section 18-K, a new section may be added as Section 18-L as follows :—

"18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the Corporation."

Clause 15. (*Original clause 16*).—We consider it desirable that the Corporation should be consulted before powers and functions of the Corporation or Standing Committees or the Commissioner are delegated to the Board or its authorities. We accordingly recommend that to sub-section (1) of the proposed section 21, the following proviso may be added :—

"Provided that the Corporation shall be consulted before making such declaration if such area or part thereof lies within the limits of the City of Bangalore."

New clause (Clause 16).—Since section 21 of the Act is proposed to be amended by clause 15, we consider it unnecessary to retain the existing section 23-A which was inserted in the Act by an Amendment Act passed in 1945. We accordingly recommend that a new clause may be added to the Bill as clause 16 as follows :—

"16. Section 23-A of the Act shall be omitted."

Clause 17.—We are of the opinion that in areas that lie within the local limits of the Corporation private lay-outs or extensions should be sanctioned by the Board only with the concurrence of the Corporation and in case of difference of opinion, the matter should be referred to the Government whose decision thereon should be final. We accordingly recommend that to sub-section (1) of the proposed section 25, the following proviso may be added :—

"Provided that where any such extension or lay-out lies within the local limits of the Corporation, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Corporation :

Provided further that where the Corporation and the Board do not agree, on the formation of or the conditions relating to the extension or lay-out, the matter shall be referred to the Government whose decision thereon shall be final."

Clause 19.—We think it is unnecessary to provide for the setting up of a tribunal and we are of the opinion that the provisions of the Land Acquisition Act are adequate to meet the purposes in view. We accordingly recommend that clause 19 may be deleted.

New clause.—Since the Bill provides for the levy of a betterment fee and for the payment of the betterment fee and interest thereon to the Board, we consider it desirable to amend section 30 of the Act so that these sums may also form part of the City of Bangalore Improvement Fund. We accordingly recommend that a new clause may be added as follows after clause 18 as clause 19 :—

"19. In sub-section (2 of section 30 of the said Act, the following item shall be added at the end, namely :—

(c) Subject to the provisions of section 18-L; betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act."

Clause 24.—We recommend that for clause 24, the following clause may be substituted :—

"24. In section 37 of the said Act, for the word "Comptroller", the words "Officer or authority appointed by the Government for this purpose" and for the word "President", the word "Mayor" shall be substituted."

New clause.—As we have suggested that clause 9 may be deleted and section 42 suitably amended, we recommend that section 42 be amended by adding a clause after clause 25 as clause 26, as follows, the subsequent clauses being suitably renumbered :—

"26. In section 42 of the said Act,—

(i) the word "and" at the end of clause (*a*) shall be omitted ;

(ii) clause (*b*) shall be relettered as clause (*c*) and before clause (*c*) as so relettered, the following clause shall be inserted, namely,—

(*b*) for the delegation by the Chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed or vested in him by sections 9, 12, 32, 36, 49 and 50 and for the conditions or limitations subject to which such delegation may be made ; and"

Clause 28. (Original clause 27).—We consider it unnecessary to have a provision like the proposed section 49-A as this matter is covered by the Police Act. We accordingly recommend that clause 28 may be omitted.

Clause 29.—As section 51 is intended to protect the Board and its Officers against belated suits we recommend that for clause 29; the following clause may be substituted :—

"29. In sub-section (1) of section 51 of the said Act, for the words "against any person" the words "against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board," and for the words "such person", the words "the Board" shall be substituted."

The Bill was published in the *Mysore Gazette*, Extraordinary dated 14th March 1951. In our opinion the Bill has not been so altered as to require circulation.

H. C. DASAPPA (*Chairman*).
R. CHENNIGARAMIAH.
MAHMOOD SHARIFF.
B. M. SHAMANNA GOWDA.
V. M. MASCARENHAS.
D. M SIDDIAH.
K. PUTTASWAMY.
M. N. MAHANTA DEVARU.
W. H. HANUMANTHAPPA.

BANGALORE,
17th Sept. 1951.

Sri V. S. Narayana Rao did not attend any of the meetings of the Committee as he ceased to be a Member of the Legislative Assembly.

[AS AMENDED BY THE SELECT COMMITTEE].

(Words sidelined or underlined indicate the amendments suggested by the committee; asterisks indicate omissions.)

THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Bangalore Improvement Act, 1945.

WHEREAS it is expedient further to amend the City of Bangalore Improvement Act, 1945, (Mysore Act V of 1945), for the purposes hereinafter appearing; **Preamble.**

It is hereby enacted as follows:—

1. (1) This Act may be called the City of Bangalore Improvement (Amendment) Act, 1951. **Short title and commencement.**

(2) It shall come into force at once.

2. In the City of Bangalore Improvement Act, 1945, (hereinafter referred to as the said Act), **Substitution of certain expressions for expressions occurring in Mysore Act V of 1945.**

(i) for the words and figure "Mysore City Municipalities Act, 1933," the words and figure "City of Bangalore Municipal Corporation Act, 1949,"; * * *

(ii) for the words "Official Gazette", the words "*Mysore Gazette*"; * * * and

(iii) for the words "Municipal Council", the word "Corporation" * * *

shall be substituted wherever they occur.

3. For section 2 of the said Act, the following section shall be substituted, namely:— **Substitution of new section for section 2 of Mysore Act V of 1945.**

"2. In this Act, unless there is anything repugnant in the subject or context, **Definitions.**

(1) 'betterment fee' means the fee payable under section 18-A, in respect of an increase in the value

of land resulting from the execution of an improvement scheme;

(2) 'Board' means the Board of trustees for the improvement of the City of Bangalore constituted under sections 3 and 4;

(3) 'Chairman' means the Chairman of the Board;

(4) 'Corporation' means the Corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949;

(5) 'Government' means the Government of Mysore;

(6) 'land' has the same meaning as in clause (c) of section 3 of the Mysore Land Acquisition Act, 1894;

(7) 'prescribed' means prescribed by rules made under this Act;

(8) 'street' includes any highway and any causeway, bridge, viaduct, arch, road, lane, foot-way, square, court, alley or passage, whether a thoroughfare or not;

(9) * * * *

* * * *

(9) 'trustee' means a member of the Board;

(10) All other words and expressions shall have the meanings respectively assigned to them by the City of Bangalore Municipal Corporation Act, 1949."

Amendment of section 4 of Mysore Act V of 1945.

4. In section 4 of the said Act, for the words "Municipal Councillors of the City", the words "Councillors of the Corporation" shall be substituted.

Amendment of section 8 of Mysore Act V of 1945.

5. In clause (g) of sub-section (1) of section 8 of the said Act, for the words "Municipal Councillor," the words "Councillor of the Corporation" shall be substituted.

Amendment of section 9 of Mysore Act V of 1945.

6. In sub-section (3) of section 9 of the said Act, after the words "as it thinks fit", the words "and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire" shall be inserted.

7. For section 10 of the said Act, the following section shall be substituted, namely:— Powers of different authorities.

"10. (1) The Chairman may, on behalf of the Board, sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board, other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract or other instrument."

8. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely: Amendment of section 12 of Mysore Act V of 1945.

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

9. * * *

9. For section 14 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 14 of Mysore Act V of 1945.

"14. (1) The Board may, subject to the control of the Government, Power of Board to undertake works and incur expenditure for improvement, etc.

(a) draw up detailed schemes (hereinafter referred to as 'improvement scheme') for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Corporation if the Corporation places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act, or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or work and execute it subject to such terms and conditions as may be specified by the Government."

Amendment of section 15 of Mysore Act V of 1945.

10. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words "and lighting", shall be omitted.

Amendment of section 16 of Mysore Act V of 1945.

11. In section 16 of the said Act,

(1) in sub-section (1), for the words "land proposed to be acquired", the words "land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee" shall be substituted; and for the word "President," the word "Mayor" shall be substituted.

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) During the thirty days next following the day on which such notification is published in the *Mysore Gazette*, the Board shall serve a notice on every person whose name appears in the assessment list of the Corporation or the municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on

any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice stating whether the person, so served dissents or not to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

12. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "five per cent" shall be substituted.

Amendment of section 18 of Mysore Act V of 1945.

13. After section 18 of the said Act, the following sections shall be inserted, namely :—

Insertion of new sections 18–A, 18–B, 18–C, 18–D, 18–E, 18–F, 18–G, 18–H, 18–I, 18–J, 18–K and 18–L in Mysore Act V of 1945.

"18-A. (1) When, by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

Payment of betterment fee.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

Assessment of betterment fee by the Board.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry, as they think fit, that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award including the finding on costs under sub-section (3) of section 18-E if any may, within one month from the date of the communication thereof, appeal to the District Judge, Bangalore Division, whether the case arises within or outside the limits of the City, and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned :

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1), be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at four per cent per annum upto the date of such payment.

(5) * * *

Recovery of money payable in pursuance of section 18-B 18-C or 18-G.

18-H. All money payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realisation at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the City of Bangalore Municipal Corporation Act, 1949, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

18-I. The Board may direct by what authority any powers or duties incident under the City of Bangalore Municipal Corporation Act, 1949, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Board to appoint persons for enforcement of processes for recovery of dues.

18-J. If any land, in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Agreement of payment not to bar acquisition under a fresh declaration.

18-K. Notwithstanding anything contained in any other provision of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area ;

Power of Board to take up works for further improvement

Provided that the [Corporation shall be consulted if such area lies within the limits of the City of Bangalore.]

The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Board and approved by the Government in carrying out such works may be recovered by a pro-rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the Corporation."

Crediting betterment fee collected to the funds of the Corporation in certain cases.

Amendment of section 20 of Mysore Act V of 1945.

14. In section 20 of the said Act, for the words "President" and "Municipal drain"; the words "Mayor" and "Corporation drain" shall respectively be substituted.

Substitution of new section for section 21 of Mysore Act V of 1945.

15. For section 21 of the said Act, the following section shall be substituted, namely:—

Board and Chairman to exercise powers and functions under Mysore Act LXIX of 1949.

"21. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification,

(i) the powers and functions of the Corporation or a standing committee thereof under the City of Bangalore Municipal Corporation Act, 1949, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act, shall be exercised and discharged by the Chairman:

Provided that the Corporation shall be consulted before making such declaration, if such area or part thereof lies within the limits of the City of Bangalore.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation or any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be."

16. Section 23-A of the Act shall be omitted.

Omission of Section 23-A.

17. For section 25 of the said Act, the following section shall be substituted, namely :—

Substitution of new section for section 25 of Mysore Act V of 1945.

"25. (1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify :

Forming of new extensions or lay-outs or making new private streets.

Provided that where any such extension or lay-out lies within the local limits of the Corporation, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Corporation :

Provided further that where the Corporation and the Board do not agree, on the formation of or the conditions relating to the extension or lay-out the matter shall be referred to the Government whose decision thereon shall be final.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars :—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces ;

(*b*) the intended level, direction and width of the streets ;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets ;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall either sanction the forming of the extension or lay-out or making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains, and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board,

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;

(iv) if the lay-out in the opinion of the Board cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street until orders have been passed by the Board after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers

necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1), or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable, on conviction, to a fine which may extend to one thousand rupees."

18. After section 25 of the said Act, the following sections shall be inserted, namely—

Insertion of new sections 25-A and 25-B in Mysore Act V of 1945.

Alteration or demolition of extension, lay-out or street.

"25-A. (1) If any person forms an extension or lay-out or makes any street referred to in section 25 or puts up any building without or otherwise than in conformity with the orders of the Board under section 25, the Chairman may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served, fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

Power of Chairman to order work to be carried out or to carry it out himself in default.

25-B. (1) The Chairman may,

(*a*) if any person who applies for permission under section 25 and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street, does not so carry it out ; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman ;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work which, in his opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue."

19 * * * *

Amendment of Section 30 of Mysore Act V of 1945.

19. In sub-section (2) of section 30 of the said Act, the following item shall be added at the end, namely :—

"(*c*) Subject to the provisions of section 18-L, betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act."

20. In section 32 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted.

Amendment of section 32 of Mysore Act V of 1945.

21. For the last sentence of section 34 of the said Act, the sentence "A copy of the estimate as approved by the Government shall be sent to the Mayor of the Corporation", shall be substituted.

Amendment of section 34 of Mysore Act V of 1945.

22. In section 35 of the said Act, for the word "President", the word "Mayor" shall be substituted.

Amendment of section 35 of Mysore Act V of 1945.

23. In section 36 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 36 of Mysore Act V of 1945.

24. In section 37 of the said Act, for the word "Comptroller," the words "Officer or authority appointed by the Government for this purpose" and for the word "President", the word "Mayor" shall be substituted.

Amendment of section 37 of Mysore Act V of 1945.

25. In sub-section (1) of section 39 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added namely :—

Amendment of section 39 of Mysore Act V of 1945.

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officer belongs."

26. In section 42 of the said Act,—

Amendment of section 42 of Mysore Act V of 1945.

(i) the word "and" at the end of clause (*a*) shall be omitted;

(ii) clause (*b*) shall be relettered as clause (*c*) and before clause (*c*) as so relettered, the following clause shall be inserted, namely,—

"(*b*) for the delegation by the Chairman of any of his powers, duties or functions under this Act or

any rule made thereunder except those conferred by or imposed or vested in him by sections 9, 12, 32, 36, 49 and 50 and for the conditions or limitations subject to which such delegation may be made ; and"

Amendment of section 43 of Mysore Act V of 1945.

27. In sub-section (1) of section 43 of the said Act after clause (*e*), the following clause shall be inserted namely :—

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon ;"

28. * * * *

Amendment of section 50 of Mysore Act V of 1945.

28. In section 50 of the said Act, for the words "All sums due", the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted.

Amendment of section 51 of Mysore Act V of 1945.

29. In sub-section (1) of section 51 of the said Act, for the words "against any person" the words "against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board," and for the words "such person", the words "the Board" shall be substituted.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

NOTIFICATION.

No. 4402—L.A. Bangalore, dated 8—10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following Report of the Select Committee on the Mysore Civil Courts (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,

Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE CIVIL COURTS (AMENDMENT) BILL, 1951.

(Presented on 8th October 1951.)

We, the members of the Select Committee to which the Mysore Civil Courts (Amendment) Bill, 1951 was referred, have considered the several clauses of the Bill and have the honour to submit the following report :—

Clause 3.—From the first of April 1951 the Central Code of Civil Procedure has been extended to Mysore. Section 100 of that Code provides for second appeals. We consider it more appropriate to effect the amendments in the law proposed by clause 3 by an amendment to that Code. We accordingly recommend that clause 3 may be omitted from this Bill. We also recommend that the Government may take early action to bring forward a Bill for this purpose to amend the Code of Civil Procedure.

Clause 4 (original clause 5).—We recommend that in view of the omission of clause 3, the words and figures "and 15" and "and 3," may be omitted.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 14th March 1951. In our

opinion, the Bill has not been so altered as to require circulation.

K. T. BHASHYAM (*Chairman*).
KADIDAL MANJAPPA.
H. SIDDAVEERAPPA.
SYED ABDUR RAHMAN.
MAHOMED HANIEF.
H. SIDDANANJAPPA.
T. RAMACHAR.
M. C. VENKATESHAN.
MALI MARIYAPPA.

BANGALORE,
2nd July 1951.

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[As amended by the Select Committee.]

(Omissions are indicated by asterisks.)

THE MYSORE CIVIL COURTS (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Civil Courts Act, 1883.

Whereas it is expedient further to amend the Mysore Civil Courts Act, 1883 (Mysore Act I of 1883), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Civil Courts (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. In section 13 of the Mysore Civil Courts Act, 1883 (hereinafter referred to as the said Act), for the figure "3,000", the figure "10,000" shall be substituted. Amendment of section 13 of Mysore Act I of 1883.

3. * * * *

3. For section 22 of the said Act, the following section shall be substituted, namely:— Substitution of new section for section 22 of Mysore Act I of 1883.

"22. (1) In addition to public holidays authorised by the State Government, the civil courts subordinate to the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter. Vacations.

(2) The total number of days in all the said three vacations shall not exceed sixty days and the period of each vacation in each year shall be fixed by the Chief Justice."

4. The provisions of section 13 * * of the Mysore Civil Courts Act, 1883, as amended by section 2 * * of this Act shall apply to all suits and appeals pending in any civil court subordinate to the High Court on the date of commencement of this Act. Application of Act to pending suits and appeals.

G. S. Venkataramana Iyer,
Secretary,
Mysore Legislature.

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NOTIFICATION.

No. 4403—L.A. Bangalore, dated 8—10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the Mysore Irrigation (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE MYSORE IRRIGATION (AMENDMENT) BILL, 1951.

(Presented on 8th October 1951.)

We, the Members of the Select Committee to which the Mysore Irrigation (Amendment) Bill, 1951, was referred have considered the several clauses of the Bill in detail and have the honour to submit the following report :

Clause 2.—As the expression 'prescribed' has been used in this Bill, we consider it desirable to have a definition and we recommend that for item (*c*) of clause 2, the following item may be substituted :

"(*c*) after clause (10), the following clauses shall be added, namely :—

(11) 'Government' means the State Government.

(12) 'prescribed' means prescribed by rules made by the Government under this Act."

Clause 10.—We consider it desirable that before the authorised Officer specifies the kind of crop that should be grown on any land under an irrigation work, he should consult not only the Deputy Commissioner or Canal Officer but also the Irrigation Panchayet or Irrigation Board, if any, having jurisdiction over the area in question. We accordingly recommend that in the proposed section 16-A after the words "the Canal Officer" the words "and the Irrigation Panchayet or Irrigation Board, if any, having jurisdiction over the irrigable area in which the land is situated" may be added.

Clause 11.—The proposed section 17-A casts an obligation on owners and occupiers of land receiving water from irrigation works to carry out the directions of the Irrigation Officer relating to the maintenance of the

irrigation work and the use of the water supplied therefrom. We are of the view that it would ensure more efficient maintenance of irrigation works and quicker repairs of such works, if the Government take up the work of repairs and maintenance themselves and recover the cost thereof from the owners and occupants of the lands benefited from the supply of water from such irrigation work. We accordingly recommend the omission of the proposed section 17-A and the insertion of a separate Chapter by including a new clause in the Bill before the existing clause 16 (renumbered 18) as follows :—

"17. After Chapter VI of the said Act, the following Chapter shall be inserted, namely :—

CHAPTER VI-A

Of the Maintenance of Minor Irrigation Works.

30-A. In this Chapter, (i) "minor irrigation works" means such irrigation works as the Government may, from time to time, by notification in the *Mysore Gazette*, declare to be minor irrigation works for the purposes of this Chapter; and (ii) "Order" means an order published in the *Mysore Gazette*.

30-B. (1) If the Government considers that in the interests of the proper irrigation of lands in any area, the work of maintenance in a fit state of repair of minor irrigation works in such area should be undertaken by the Government and the cost of such maintenance or any part thereof recovered from the holders of lands in the area benefited by such minor irrigation works (hereinafter in this Chapter called the benefited area), the Government shall make a declaration to that effect.

(2) The declaration under sub-section (1) shall be published in the *Mysore Gazette* in English and Kannada and in such other manner as may be prescribed.

30-C. (1) On the making of a declaration under sub-section (1) of section 30-B, the Government shall maintain in a fit state of repair such minor irrigation works and every holder of lands in the benefited area, shall pay to the Government an acreage contribution at such rates, not exceeding three rupees per acre per annum, as the Government may, by Order, determine.

(2) Every Order made under sub-section (1) shall be laid before the Mysore Legislative Assembly as soon as may be after it is made, and shall be subject to such

modifications as the said Legislative Assembly may make on a motion made within seven days from the date on which the Order is so laid.

30-D. When the Government undertakes the maintenance of any irrigation work under sub-section (1) of section 30-C the Deputy Commissioner of the District shall, subject to such rules as may be prescribed in this behalf, levy from the holders of lands within the benefited area in addition to the assessment fixed under the provisions of section 112 of the Mysore Land Revenue Code, 1888, acreage contribution per annum at the rates determined under section 30-C. Such contribution shall be recoverable as a revenue demand."

Clause 12.—We consider it unnecessary to provide for the appointment by the Government of an Officer to hold an enquiry under the proposed section 25. But we are of the view that the Sub-Divisional Officer in the Public Works Department having jurisdiction should be the officer to hold the enquiry. We accordingly recommend that the proposed section 25 may be recast as follows:-

"25. Whenever the construction, restoration or improvement of any irrigation work in any local area is proposed to be undertaken by the Government the Sub-Divisional Officer in the Public Works Department having jurisdiction over such area, shall hold an enquiry in the manner hereinafter provided, and shall prepare a scheme indicating the area irrigable by such irrigation work and specifying the rates of contribution and water rates which may be levied in respect of the lands in such area.

Explanation.—Improvement in this Chapter means only such improvement of an irrigation work as will materially enhance the supply of water available therein for irrigation."

Clause 13.—In view of the change recommended in clause 12, we recommend that in section 26 for the words "The Officer appointed to hold an enquiry" the words "The Sub-Divisional Officer holding enquiry" may be substituted. For the words "construction or improvement" the words "construction, restoration or improvement" may also be substituted.

Clause 14.—For the reason aforesaid we recommend that for the words "the Officer" the words "the Sub-Divisional Officer" may be substituted.

Clause 15.—We are of the view that sub-section (4) of section 29 of the Act is unnecessary and may be deleted. We also consider that in view of the changes made in sections 26 to 28, the provisions will apply to the restoration of minor tanks, and hence the Minor Tank Restoration Act, 1916, may be repealed; and in the case of restoration of such minor tanks the maximum contribution may be fixed at Rs. 200 per acre. We accordingly recommend that for items (2) and (3) of clause 15, the following items may be substituted:

"(2) For sub-section (2), the following sub-section shall be substituted, namely :—

'(2) The contribution referred to in clause (*b*) of sub-section (1) shall not in the case of restoration or improvement of any minor tank exceed two hundred rupees per acre in respect of the lands in the benefited area;

Explanation.—'Minor tank' in this sub-section means a minor tank as defined in section 2 of the Tank Panchayet Act, 1911.

(3) in sub-section (3) for the brackets and letter '(*e*)' the brackets and letter "(*c*)" shall be substituted;

(4) sub-section (4) shall be omitted."

New Clause.—We consider that it is necessary to insert the words "of the District" after the words "Deputy Commissioner" in section 30, as the contribution and water rate will have to be recovered by the Deputy Commissioner of the District. We accordingly recommend the inclusion of the following clause after clause 15 and the renumbering of the existing clause 16 as clause 18:

"16. In section 30 of the said Act, after the words "Deputy Commissioner" in the two places where they occur, the words "of the district" shall be inserted."

Clause 19. (*Original clause 17*).—We are of the opinion that appeals from order of the Deputy Commissioner should lie to the Chief Engineer and we accordingly recommend

that clause 17 (renumbered as 19) may be recast as follows :—

"In section 45 of the said Act for the words "to the Revenue Commissioner" the words "to the Chie Engineer" shall be substituted."

Clause 20. (*Original clause 18*).—1. We have considered the provisions of the proposed section 45-A in some detail. We have come to the conclusion that liability for unauthorised use of water due to acts of persons who cannot be identified should only be cast on persons whose land has benefited from such use and not on others specified in this section. We accordingly recommend that section 45–A may be recast as follows :

"45-A. If water supplied through a water course be used in an unauthorised manner and if the person by whose act or neglect such use has occurred, cannot be identified, the person or all the persons whose lands have derived benefit therefrom shall be liable or jointly liable, as the case may be, for such charges as the Government may prescribe for such use".

2. 45-B. We are not in favour of the proposed section 45-B. We consider it unreasonable that for the act of a person who cannot be identified, other persons who have not been benefited from such act should be made liable for the waste. We accordingly recommend that this section may be omitted and subsequent sections suitably renumbered.

3. 45-C, 45-D *and* 45-E.—Consequential upon our recommendation to omit the proposed section 45-B, we recommend that in the proposed sections 45-C, 45-D and 45-E the words and figure "or section 45-B" may be omitted and we also recommend that in section 45-D the words "or waste" in the two places where they occur may also be omitted.

Clause 21. (*Original clause 19*).—Since we have recommended that the proposed section 17-A may be completely recast and no direction relating to maintenance or repair of irrigation works will be given by an Irrigation Officer to owners of lands, the words "or any order made under section 17-A occurring in the proposed clause (*X-a*)" may be omitted.

Clause 23. (*Original clause 21*).—We consider that in view of the amendments proposed to section 46 providing for a deterrent punishment of imprisonment and fine for offences under clauses (ii) and (xii) of section 46, it is not at present necessary to insert the proposed section 52-A, regarding the special rules of evidence. We accordingly recommend the deletion of the proposed section 52-A.

New Clause.—In view of the insertion of the new Chapter VI-A, a consequential amendment in section 55 of the Act is necessary. It is also necessary to add a clause for repealing the Minor Tank Restoration Act, 1916. We accordingly recommend the addition of the following new clauses:

"24. In section 55 of the said Act, after the word and figure "Chapter VI" the word, figure and letter "Chapter VI-A" shall be inserted."

"25. The Minor Tank Restoration Act, 1916, is hereby repealed."

The Bill was published in the *Mysore Gazette* Extraordinary dated 14th March 1951. In our opinion, the Bill has not been so altered as to require circulation.

T. MARIAPPA (*Chairman*).
M. L. NANJARAJA URS.
H. SIDDAVEERAPPA.
S. KARIAPPA.
D. GANGYA NAIK.
A. SUBBARAYA SETTY.
D. GOVINDA DAS.
T. C. HONNAPPA.
C. R. BASAPPA.
M. C. VENKATESHAN.

Sriyuts K. V. Shankara Gowda and T. Madiah Gowda were absent at the meetings of the Select Committee. Sri N. Huchmasthy Gowda has not yet signed the report.

[As amended by the Select Committee.]

(Words underlined or sidelined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

THE MYSORE IRRIGATION (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Irrigation Act, 1932.

Preamble.

Whereas it is expedient further to amend the Mysore Irrigation Act, 1932, (Mysore Act I of 1932), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Irrigation (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of section 3 of Mysore Act I of 1932.

2. In section 3 of the Mysore Irrigation Act, 1932, (hereinafter referred to as the said Act),—

(*a*) after clause (4), the following clause shall be inserted, namely:—

"(4-A) 'Chief Engineer' means the Chief Engineer to the Government in charge of the Public Works Department;"

(*b*) after clause (5), the following clause shall be inserted, namely:—

"(5-A) 'Canal Officer' means an Officer appointed by the Government to exercise all or any of the powers of a Canal Officer in respect of any canal area notified in this behalf by the Government in the *Mysore Gazette*;"

(*c*) after clause (10), the following clauses shall be added, namely:—

"(11) 'Government' means the State Government.

(12) 'prescribed' means prescribed by rules made by the Government under this Act."

Amendment of section 4 of Mysore Act I of 1932.

3. In section 4 of the said Act, after the words "Deputy Commissioner", a comma and the words "the Canal Officer" shall be inserted.

Amendment of sections 5 and 6 of Mysore Act I of 1932.

4. In sections 5 and 6 of the said Act, for the words "Irrigation Officer", the words "Canal Officer or Irrigation Officer" shall be substituted.

Amendment of section 7 of Mysore Act I of 1932.

5. In section 7 of the said Act, for the words "an Irrigation Officer", the words "a Canal Officer or an Irrigation Officer" shall be substituted.

Omission of the words "of the District" in sections 8, 12, 13 and 16 of Mysore Act I of 1932.

6. The words "of the District" occurring in sections 8, 12, 13 and 16 of the said Act, shall be omitted.

Amendment of section 8 of Mysore Act I of 1932.

7. In sub-section (1) of section 8 of the said Act, for the words "Revenue Commissioner", the words "Chief Engineer" shall be substituted.

Amendment of section 13 of Mysore Act I of 1932.

8. In section 13 of the said Act—

(1) in sub-section (1), for the words "or any other officer specially empowered by the Government in this behalf", the words "or the Canal Officer" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) From the order of a Deputy Commissioner or a Canal Officer under sub-section (1), an appeal shall lie to the Chief Engineer within ninety days from the date of such order."

Amendment of section 16 of Mysore Act I of 1932.

9. In sub-section (1) of section 16 of the said Act for the words "An Irrigation Officer", the words, figure and letter "Subject to the provisions of section 16-A, an Irrigation Officer" shall be substituted; and for the

words "wet crops", the words "paddy, sugarcane or any perennial crop or intermittent irrigated dry crops" shall be substituted.

10. After section 16 of the said Act, the following section shall be inserted, namely :—

Insertion of a new section 16-A in Mysore Act I of 1932.

"16-A. (1) An officer, not below the rank of an Executive Engineer authorised by the Government in this behalf, may, in consultation with the Deputy Commissioner or the Canal Officer and the Irrigation Panchayet or Irrigation Board, if any, having jurisdiction over the irrigable area in which the land is situated specify, by notification published in such manner as may be prescribed, the kind of crop that shall be grown on any land under any irrigation work, and the period of sowing and planting such crop.

Power to prescribe the kind of crop to be grown under an irrigable area and the period of sowing such crop.

(2) On the publication of a notification under sub-section (1), no person shall grow or allow any crop other than the crop specified in such notification to be grown on any land under such irrigation work and no person shall sow or plant or allow the sowing or planting of crop at any time other than during the period specified in such notification."

11. After section 17 of the said Act, the following section shall be inserted, namely :—

Insertion of new section 17-A in Mysore Act I of 1932.

17-A. * * *

"17-A. If it is necessary to acquire any land for the purposes of this Chapter, an officer not below the rank of an Assistant Commissioner, specially empowered by the Government in this behalf, may proceed to acquire the same under the provisions of the Mysore Land Acquisition Act, 1894."

Acquisition of land to ensure supply of water.

Substitution of a new section for section 25 of Mysore Act I of 1932.

12. For section 25 of the said Act, the following section shall be substituted; namely :—

Preliminary enquiry to be held when the levy of acreage contribution or water rate or both is necessary for undertaking construction, restoration or improvement of an irrigation work.

"25. Whenever the construction, restoration or improvement of any irrigation work in any local area is proposed to be undertaken by the Government, the Sub-Divisional Officer in the Public Works Department having jurisdiction over such area, shall hold an enquiry in the manner hereinafter provided, and shall prepare a scheme indicating the area irrigable by such irrigation work and specifying the rates of contribution and water rates which may be levied in respect of the lands in such area.

Explanation.—Improvement in this Chapter means only such improvement of an irrigation work as will materially enhance the supply of water available therein for irrigation."

Amendment of section 26 of Mysore Act I of 1932.

13. In section 26 of the said Act, for the words "The Deputy Commissioner or other officer appointed to make an enquiry", the words "The Sub-Divisional Officer holding enquiry under section 25" shall be substituted.

Substitution of new sections for sections 27 and 28 of Mysore Act I of 1932.

14. For sections 27 and 28 of the said Act, the following sections shall be substituted, namely :—

Report of the enquiring officer.

"27. On the date fixed for holding an enquiry under section 26 or on such other date to which the enquiry may be adjourned, the Sub-Divisional Officer shall hold a formal enquiry in the manner provided in the Mysore Land Revenue Code, 1888, and after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks

necessary, shall embody his proceedings in a report and submit it to the Government, together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

28. On receipt of the report under section 27, the Government may, after such further enquiry, if any, as they may make, either abandon the scheme or proceed with the scheme in the original form or with such modifications as they may consider necessary.

Government may abandon scheme or proceed with it with modifications.

28-A. The Government may, by notification in the *Mysore Gazette*, declare that the provisions of sections 25, 26 and 27 shall not apply to the construction or restoration or improvement of any irrigation work or any class of irrigation works and on the publication of such declaration, a scheme prepared by such officer as the Government may appoint, shall be dealt with under section 28, as if it were a scheme submitted under section 27."

Government may exclude operation of sections 25, 26 and 27.

15. In section 29 of the said Act,—

Amendment of section 29 of Mysore Act I of 1932.

(1) in sub-section (1), clauses (*a*), (*b*) and (*f*) shall be omitted and clauses (*c*), (*d*) and (*e*) shall be re-lettered as clauses (*a*), (*b*) and (*c*);

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The contribution referred to in clause (*b*) of sub-section (1) shall not in the case of restoration or improvement of any minor tank exceed two hundred rupees per acre in respect of the lands in the benefited area;

Explanation.—'Minor tank' in this sub-section means a minor tank as defined in section 2 of the Tank Panchayat Act, 1911."

(3) in sub-section (3) for the brackets and letter "(*e*)", the brackets and letter "(*c*)" shall be substituted;

(4) sub-section (4) shall be omitted.

16. In section 30 of the said Act, after the words "Deputy Commissioner" in the two places where they occur, the words "of the district" shall be inserted.

17. After Chapter VI of the said Act, the following Chapter shall be inserted, namely :—

"CHAPTER VI-A.

OF THE MAINTENANCE OF MINOR IRRIGATION WORKS.

Interpretation of 'minor irrigation works' and 'order'.

30-A. In this Chapter, (*i*) "minor irrigation works" means such irrigation works as the Government may, from time to time, by notification in the *Mysore Gazette*, declare to be minor irrigation works for the purposes of this Chapter; and (*ii*) "order" means an order published in the *Mysore Gazette*.

Declaration in respect of maintenance of minor irrigation works by Government.

30-B. (1) If the Government considers that in the interests of the proper irrigation of lands in any area, the work of maintenance in a fit state of repair of minor irrigation works in such area should be undertaken by the Government and the cost of such maintenance or any part thereof recovered from the holders of lands in the area benefited by such minor irrigation works (hereinafter in this Chapter called the benefited area), the Government shall make a declaration to that effect.

(2) The declaration under sub-section (1) shall be published in the *Mysore Gazette* in English and Kannada and in such other manner as may be prescribed.

Consequences of the making of the declaration under section 30-B.

30-C. (1) On the making of a declaration under sub-section (1) of section 30-B, the Government shall maintain in a fit state of repair such minor irrigation works and every holder of lands in the benefited area, shall pay to the Government an acreage contribution at such rates, not exceeding three rupees per acre per annum, as the Government may, by order, determine.

(2) Every order made under sub-section (1) shall be laid before the Mysore Legislative Assembly as soon as may be after it is made, and shall be subject to such modifications as the said Lagislative Assembly may make on a motion made within seven days from the date on which the order is so laid.

Levy of contribution on lands within the benefited area.

30-D. When the Government undertakes the maintenance of any irrrigation work under sub-section (1) of section 30-C the Deputy Commissioner of the District shall, subject to such rules as may be prescribed in this behalf, levy from the holders of lands within the benefited area in addition to the assessment fixed under the

provisions of section 112 of the Mysore Land Revenue Code, 1888, acreage contribution per annum at the rates determined under section 30-C. Such contribution shall be recoverable as a revenue demand."

18. In section 31 of the said Act,— Amendment of section 31 of Mysore Act I of 1932.

(*a*) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) In calling upon the able-bodied male persons to assist in the execution of any work by their labour under sub-section (1), no discrimination shall be made on grounds only of religion, race, caste or class or any of them."

(*b*) in sub-section (2), after the words "Deputy Commissioner", the words "and the Canal Officer" shall be added.

19. In section 45 of the said Act, for the words "to the Revenue Commissioner" the words "to the Chief Engineer" shall be substituted. Amendment of section 45 of Mysore Act I of 1932.

20. In Chapter X of the said Act, before section 46, the following sections shall be inserted, namely :— Insertion of new sections 45-A, 45-B, 45-C, 45-D and 45-E before section 46 of Mysore Act I of 1932.

"45-A. If water supplied through a water course be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred, cannot be identified, the person or all the persons whose lands have derived benefit therefrom shall be liable, or jointly liable, as the case may be, for such charges as the Government may prescribe for such use" Liability when person using water unauthorisedly cannot be identified.

45-B. * * * *

Decision of questions under section 45-A.

45-B. (1) All questions arising under section 45-A * * shall be decided by orders, in writing, by the Irrigation Officer.

(2) From any order of the Irrigation Officer under sub-section (1), an appeal shall lie, within thirty days from the date of service of the said order on the person concerned, to the Deputy Commissioner, whose decision thereon shall be final.

Charges for unauthorised use or waste of water recoverable in addition to penalties.

45-C. All charges for the unauthorised use * of water under section 45-A * * may be recovered as water rates, in addition to any penalties incurred on account of such use. *

Interpretation of "water-course."

45-D. For the purposes of sections 45-A, 45-B, and 45-C * * 'water-course' includes any channel or pipe supplied with water from an irrigation work and which is maintained at the cost of the Government."

Amendment of section 46 of Mysore Act I of 1932.

21. In section 46 of the said Act,—

(*a*) after clause (*x*), the following clause shall be inserted, namely :—

"(*x-a*) contravenes the provisions of sub-section (2) of section 16-A"; * * *

(*b*) in the last paragraph, (i) after the figure and brackets "(*x*)", a comma and the figure, letter and brackets "(*x-a*)" shall be inserted ;

(ii) for the words "with fine which may extend to one hundred rupees", the words "with imprisonment for a term which may extend to two months or with fine which may extend to five hundred rupees or with both" shall be substituted ;

(iii) for the words "with fine which may extend to fifty rupees" the words "with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both" shall be substituted.

22. In section 52 of the said Act,— Amendment of section 52 of Mysore Act I of 1932.

(*a*) after the words "Revenue Commissioner" wherever they occur, the words "or Chief Engineer" shall be inserted; and

(*b*) after the words "Deputy Commissioner", the words "or a Canal Officer" shall be inserted.

23. After section 52 of the said Act, the following section shall be inserted, namely:— Insertion of new section 52-A in Mysore Act I of 1932.

52-A. * * *

52-A. Notwithstanding anything contained in the Code of Criminal Procedure, 1904 (II of 1904), all offences punishable under this Act shall be cognizable.', Offences under Act to be cognizable.

24. In section 55 of the said Act, after the word and figure "Chapter VI" the word, figure and letter "Chapter VI-A" shall be inserted.

25. The Minor Tank Restoration Act, 1916, is hereby repealed.

G. S. VENKATARAMANA IYER,

Secretary,
Mysore Legislature.

NOTIFICATION.

No. 4404—L.A., Bangalore, dated 8th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the City of Mysore Improvement (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

REPORT OF THE SELECT COMMITTEE ON THE CITY OF MYSORE IMPROVEMENT (AMENDMENT) BILL, 1951.

(*Presented on 8th October* 1951.)

We, the Members of the Select Committee appointed to consider the City of Mysore Improvement (Amendment) Bill, 1951, have examined the Bill in detail and have the honour to submit the following report:—

Clause 3.—We recommend that in item (1) of the proposed section 2 for the words "prescribed by" the words "payable under" may be substituted, and in item (5) for the words "State Government", the words "Government of Mysore" may be substituted.

Clause 4.—We think that it is unnecessary to make the Superintending Engineer for the time being in charge of the Mysore District an *ex-officio* trustee of the Board and we accordingly recommend that in the proposed section 4 the words "Superintending Engineer for the time being in charge of the Mysore District" may be deleted and for the word "eleven" the word "ten" may be substituted.

This amending Bill provides for the enlargement of the Board of trustees by increasing the number of trustees from 9 to 11 (10 as recommended by us). Most of the persons who are trustees under the existing Act continue to be trustees in the Board as reconstituted by the Amending Bill. We are of opinion that all the trustees of the existing Board who would continue to be trustees in the Board as reconstituted by the Bill should continue in office without any fresh election or appointment. We accordingly recommend that the present clause 4 may be renumbered as clause 4 (1) and the following may be added as sub-clause (2) namely:—

"(2) Notwithstanding anything contained in any law for the time being in force, the three trustees appointed

by the Government and the two trustees elected by the Municipal Councillors to the Board and holding the office of trustees immediately before the commencement of this Act shall be deemed to have been appointed or elected to the Board as constituted under section 4 of the said Act as amended by this Act:

Provided that the aforesaid trustees shall unless they vacate office earlier or are disqualified under the provisions of the said Act, continue to hold office for the term of two years from the date of the *Mysore Gazette* in which their names were first notified under section 5 of the said Act as trustees of the Board."

Clause 10.—We are of the opinion that the Chairman should have power to incur expenditure up to Rs. 3,000 as in the case of the Commissioner of the Corporation of the City of Bangalore and that the Board should have the power to incur expenditure beyond Rs. 3,000 but up to a limit of Rs. 10,000, and that in respect of expenditure exceeding Rs. 10,000 the approval of the Government should be obtained. We also feel that within these limits power should be available to these authorities to call for tenders and prepare estimates. We accordingly recommend that clause 10 may be recast as follows:—

"10. For section 10 of the said Act, the following section shall be substituted namely:—

"10. (1) The Chairman may on behalf of the Board sanction any estimate, call for tenders and enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees, the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board other than a contract or agreement under sub-section (2) shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board as hereinafter provided. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix to any contract or other instrument."

Clause 12.—We think that the delegation by the Chairman of any of his powers and duties under this Act could be provided for by rules under section 38 of the Act, and we accordingly recommend that clause 12 may be deleted and suitable provision made under section 38 and the other clauses of the Bill suitably re-numbered.

Clause 12. (Original clause 13).—We recommend that sub-section (2) of the proposed section 14 may be recast as follows:—

"(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Municipal Council if the Council places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise."

We recommend that in sub-section (3) of the proposed section 14, for the words "any other scheme", the words "any improvement scheme" may be substituted.

Clause 15. (Original clause 16).—We consider it desirable that alterations in the scheme should require the previous sanction of the Government if the difference between the scheme as sanctioned and the scheme as altered is more than 5 per cent of the sanctioned cost instead of a fixed sum of Rs. 10,000 as suggested in the Bill. We accordingly recommend that in clause 15 for the words "ten thousand rupees" the words "five per cent" may be substituted.

Clause 16. (*Original clause 17*).—We recommend that the betterment fee should be one-third of the increase in value and not one-half. We accordingly recommend that in sub-section (2) of the proposed section 18-A, for the word "one-half", the word "one-third" may be substituted.

We consider that the period of three months proposed as the period within which an appeal should be filed before the District Judge against the award of the arbitrator is too long and should be reduced to one month and further that such appeals may lie not only against the decisions, but also against any orders of an arbitrator. We accordingly recommend that in sub-section (4) of the proposed section 18-C, for the words "three months", the words "one month", and for the words "the decision" the words "any order or decision" may be substituted.

We recommend that in the proposed sub-section (1) of section 18-E for the words "communicate his award", the words "communicate the substance of his award in writing" may be substituted.

We feel that the rate of interest on betterment fees which is outstanding payment should not be 6 per cent but only 4 per cent. We accordingly recommend that in the proposed sections 18-F, 18-G and 18-H, for the words "six per cent" the words "four per cent" may be substituted.

We consider it unnecessary to have a provision like sub-section (5) of the proposed section 18-G. We recommend that it may be omitted.

We consider it desirable that where the Board takes up any improvement work under the proposed section 18-K, the Municipal Council should be consulted if the works relate to an area within the jurisdiction of the Municipal Council. We accordingly recommend that to the proposed section 18-K, the following proviso may be added:—

"Provided that the Municipal Council shall be consulted if such area lies within the limits of the City."

By the amendment to the proposed section 14 (clause 12) recommended by us, the Board will take up new or additional improvement schemes on the recommendations of the Municipal Council if the Council places the necessary funds for carrying out such schemes at the disposal of the Board. In such a case we think it equitable to provide for the payment of the betterment fees to the Council. We accordingly recommend that after the proposed section 18-K, a new section may be added as follows:—

"18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Municipal Council and for which the Council has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the Council."

Clause 18. (Original clause 19).—We consider it desirable that the Municipal Council should be consulted before powers and the functions of the Council or Standing Committees or the Commissioner are delegated to the Board or its authorities. We accordingly recommend that to sub-section (1) of the proposed section 20-A the following proviso may be added:—

"Provided that the Municipal Council shall be consulted before making such declaration."

Clause 20. (Original clause 21).—We are of the opinion that in areas that lie within the local limits of the Municipal Council private lay-outs or extensions should be sanctioned by the Board only with the concurrence of the Municipal Council and in case of difference of opinion, the matter should be referred to the Government whose decision thereon must be final. We accordingly recommend that to sub-section (1) of the proposed section 21-A, the following proviso may be added:—

"Provided that where any such extension or lay-out lies within the limits of the City, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Council:

Provided further that where the Council and the Board do not agree on the formation of or the conditions relating

to the extension or lay-out, the matter shall be referred to the Government whose decision thereon shall be final."

Clause 22. (*Original clause 23*).—Since the Bill provides for the levy of betterment fee and for the payment of betterment fee and interest thereon to the Board, we consider it desirable to provide in section 26 that these sums should also form part of the said Mysore Improvement Fund. We accordingly recommend that clause 22 may be recast as follows :—

"22. In sub-section (2) of section 26 of the said Act for the word "Councillors" the word "Council" shall be substituted and the following item shall be added at the end namely :—

(*c*) Subject to the provisions of section 18-L betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act."

New clause. (*Clause 26*).—We recommend that a new clause may be inserted after clause 25 as follows and the subsequent clauses suitably re-numbered :—

"26. In section 33 of the said Act for the word 'Comptroller' the words 'officer or authority appointed by the Government for this purpose' shall be substituted".

Clause 28.—As we have suggested that clause 12 may be deleted and section 38 suitably amended, we recommend that clause 28 may be recast as follows :—

"28. (1) In sections 37 and 38 of the said Act for the word 'councillors' the word 'council' shall be substituted."

(2) In section 38 of the said Act,—

(i) the word 'and' at the end of clause (1) shall be omitted;

(ii) clause (*b*) shall be re-lettered as clause (*c*) and before clause (*c*) as so re-lettered the following clause shall be inserted namely :—

'(*b*) For the delegation by the Chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed upon or vested in him by sections 9, 12, 28, 32 and 45 and for the conditions or limitations

subject to which such delegation may be made and ' "

Clause 30.—We consider it unnecessary to have a provision like the proposed section 44-A as this matter is covered by the bye-laws and we accordingly recommend that clause 30 may be deleted and the subsequent clauses suitably re-numbered.

Clause 31. (Original clause 32).—As section 46 is intended to protect the Board and its officers against belated suits we recommend that for clause 31, the following clause may be substituted :—

" 31. In sub-section (1) of section 46 of the said Act, for the words 'against any person' the words 'against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board,' and for the words 'such person', the words 'the Board' shall be substituted."

The Bill was published in the *Mysore Gazette* Extraordinary dated 14th March 1951. In our opinion the Bill has not been so altered as to require circulation.

H. C. DASAPPA (*Chairman*).
R. CHENNIGARAMIAH.
MAHMOOD SHARIFF.
B. M. SHAMANNA GOWDA.
V. M. MASCARENHAS.
D. M. SIDDIAH.
K. PUTTASWAMY.
M. N. MAHANTA DEVARU.
W. H. HANUMANTHAPPA.

BANGALORE,
17th September 1951.

Sri V. S. Narayana Rao did not attend any of the meetings of the Committee as he ceased to be a Member of the Legislative Assembly.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

THE CITY OF MYSORE IMPROVEMENT (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Mysore Improvement Act, 1903.

WHEREAS it is expedient further to amend the City of Mysore Improvement Act, 1903, (Mysore Act III of 1903), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the City of Mysore Improvement (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. In the City of Mysore Improvement Act, 1903, (hereinafter referred to as the said Act), Substitution of certain expressions for expressions occurring in Mysore Act III of 1903.

(*i*) for the words and figure "Mysore Municipal Act, 1906", the words and figure "Mysore City Municipalities Act, 1933" shall be substituted; and

(*ii*) for the words "Official Gazette", the words "*Mysore Gazette*" shall be substituted.

3. For section 2 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 2 of Mysore Act III of 1903.

'2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(1) "betterment fee" means the fee payable under section 18-A in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of Trustees for the improvement of the City of Mysore constituted under sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

(4) "The City of Mysore" or "the City" means the area comprised within the limits prescribed by Government from time to time as the municipal limits of the City of Mysore under the Mysore City Municipalities Act, 1933;

(5) "Government" means the Government of Mysore;

(6) "The Improvement Committee" means the Committee appointed in Government Order No. 4168-79—L.F. 36-02, dated the 18th September, 1902, for the purpose of devising a scheme for the improvement of the City of Mysore;

(7) "land" has the same meaning as in clause (c) of section 3 of the Mysore Land Acquisition Act, 1894;

(8) "prescribed" means prescribed by rules made under this Act;

(9) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

(10) "trustee" means a member of the Board; and

(11) All other words and expressions shall have the meanings respectively assigned to them under the Mysore City Municipalities Act, 1933.'

Substitution of a new section for section 4 of Mysore Act III of 1903.

4. For section 4 of the said Act, the following section shall be substituted, namely:—

Constitution of Board.

"4. (1) The Board shall consist of ten trustees as follows:—

The Chairman of the Board to be appointed by Government;

The Municipal Commissioner of the City Municipal Council, Mysore;

The Vice-President for the time being of the Municipal Council, Mysore;

The Director of Public Health in Mysore, Bangalore;

The Government Architect;

* * *

Three trustees to be appointed by the Government; and

Two trustees to be elected by the Municipal Councillors of the City out of their own body in the prescribed manner, or in default of election as aforesaid, to be appointed by the Government from among the Municipal Councillors of the City.

(2) Notwithstanding anything contained in any law for the time being in force, the three trustees appointed by the Government and the two trustees elected by the Municipal Councillors to the Board and holding the office of trustees immediately before the commencement of this Act shall be deemed to have been appointed or elected to the Board as constituted under section 4 of the said Act as amended by this Act:

Provided that the aforesaid trustees shall unless they vacate office earlier or are disqualified under the provisions of the said Act, continue to hold office for the term of two years from the date of the *Mysore Gazette* in which their names were first notified under section 5 of the said Act, as trustees of the Board."

5. In section 5 of the said Act, for the words "appointed by Government or whose election by the Municipal Councillors shall have been approved by Government", the words "constituting the Board" shall be substituted. Amendment of section 5 of Mysore Act III of 1903.

6. In sub-section (2) of section 6 of the said Act, for the word "two", the word "three" shall be substituted. Amendment of section 6 of Mysore Act III of 1903.

7. In sub-section (3) of section 7 of the said Act, for the word "councillors", the word "council" shall be substituted. Amendment of section 7 of Mysore Act III of 1903.

8. In clause (*e*) of sub-section (1) of section 8 of the said Act, for the expressions "twelve consecutive months" and "six consecutive ordinary meetings", the words "six consecutive months" and "four consecutive ordinary meetings" shall respectively be substituted. Amendment of section 8 of Mysore Act III of 1903.

Amendment of section 9 of Mysore Act III of 1903.

9. In sub-section (3) of section 9 of the said Act, after the words "as they think fit", the words "and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice they may desire" shall be inserted.

10. For section 10 of the said Act, the following section shall be substituted namely :—

Powers of different authorities.

"10. (1) The Chairman may on behalf of the Board sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees in such manner and form as, according to law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board other than a contract or agreement under sub-section (2) shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board as hereinafter provided. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract or other instrument."

Amendment of section 12 of Mysore Act III of 1903.

11. After clause (3) of section 12 of the said Act, the following clause shall be inserted, namely :—

"(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;"

12. * * * *

12. For section 14 of the said Act, the following section shall be substituted, namely :—

Substitution of new section for section 14 of Mysore Act III of 1903.

"14. (1) The Board may, subject to the control of the Government,

Power of Board to undertake works and incur expenditure for improvement etc.

(*a*) draw up detailed schemes (hereinafter referred to as "improvement schemes") for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes,

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Municipal Council if the Council places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or works and execute it subject to such terms and conditions as may be specified by the Government."

13. In sub-clause (*c*) of clause (1) of section 15 of the said Act, the words "and lighting" shall be omitted.

Amendment of section 15 of Mysore Act III of 1903.

14. In section 16 of the said Act,

Amendment of section 16 of Mysore Act III of 1903.

(1) in sub-section (1), for the words "land proposed to be acquired", the words "land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) During the thirty days next following the day on which such notification is published in the *Mysore Gazette*, the Board shall serve a notice on every person whose name appears in the assessment list of the Municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice, stating whether the person so served dissents or not, to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent."

Amendment of section 18 of Mysore Act III of 1903.

15. In clause (*b*) of sub-section (2) of section 18 of the said Act, for the letters and figure "Rs. 2,500", the words "five per cent" shall be substituted.

Insertion of new sections 18-A, 18-B, 18-C, 18-D, 18-E, 18-F, 18-G, 18-H, 18-I, 18-J, 18-K and 18-L in Mysore Act III of 1903.

16. After section 18 of the said Act, the following sections shall be inserted, namely :—

Payment of betterment fee.

18-A. (1) When by the making of any improvement scheme, any land in the area comprised in the scheme, which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest there in respect of the increase in value of the land resulting from the execution of the scheme.

Amendment of betterment fee by the Board.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the

execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that, for the purpose of determining such fee, the execution of the scheme shall be deemed to have been completed and shall, thereupon, give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within one month from the date of the communication thereof, appeal to the District Judge, Mysore Division, whether the case arises within or outside the limits of the City, and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned:

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing, to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

Agreement to make payment of betterment fee a charge on land.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent per annum up to the date of such payment.

(5) * * * *

18-H. All moneys payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realization at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the Mysore City Municipalities Act, 1933, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Recovery of money payable in pursuance of section 18-B, 18-C or 18-G.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the Mysore City Municipalities Act, 1933, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B, or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement.

18-K. Notwithstanding anything contained in any other provisions of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area:

Provided that the Municipal Council shall be consulted if such area lies within the limits of the City.

The expenditure incurred or proposed to be incurred or such portion thereof, as may be determined by the Board and approved by the Government in carrying out such works, may be recovered by a *pro-rata* levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

Crediting betterment fee collected to the funds of the Council in certain cases.

18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Municipal Council and for which the Council has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the Municipal fund of the Council."

Amendment of section 19 of Mysore Act III of 1903.

17. In section 19 of the said Act, for the word "Councillors" wherever it occurs, the word "Council" shall be substituted.

18. Section 20-A of the said Act shall be re-numbered as section 20-B and before that section as re-numbered, the following section shall be inserted, namely :— Insertion of a new section before section 20-A.

"20-A. (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification :— Board and Chairman to exercise powers and functions under the Mysore City Municipalities Act, 1933.

(i) the powers and functions of the municipal council or a committee thereof under the Mysore City Municipalities Act, 1933, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Municipal Council under the said Act, shall be exercised and discharged by the Chairman :

Provided that the Municipal Council shall be consulted before making such declaration.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the municipal council or any committee thereof or the Commissioner of the Municipal Council, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control, as may be laid down by the Board or the Chairman, as the case may be."

19. In section 21 of the said Act,— Amendment of section 21 of Mysore Act III of 1903.

(1) in sub-section (1), for the words "The President of the Municipal Council" and "his opinion," the words "The Government after consulting the Municipal Council" and "their opinion" shall, respectively, be substituted; and for the word "Councillors", the word "Council" shall be substituted;

(2) in sub-section (2), for the word "Councillors," the word "Council" shall be substituted.

Insertion of new sections 21-A, 21-B and 21-C in Mysore Act III of 1903.

20. After section 21 of the said Act, the following sections shall be inserted, namely :—

Making of new private extensions, lay-outs or streets.

"21-A. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify :

Provided that where any such extension or lay-out lies within the limits of the City, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Council :

Provided further that where the Council and the Board do not agree on the formation of or the conditions relating to the extension or lay-out, the matter shall be referred to the Government whose decision thereon shall be final.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars :—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces ;

(*b*) the intended level, direction and width of the streets ;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets ;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water-supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall, either sanction the forming of the extension or lay-out or making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, under-ground drainage and water-supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water-supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board ;

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3) ; or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open ;

(iv) the lay-out, in the opinion of the Board, cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street, until orders have been passed by the Board after the receipt of such information :

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the

Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2) or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street, but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1) or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable on conviction, to a fine which may extend to one thousand rupees.

Alteration or demolition of extension, lay-out or street.

21-B. (1) If any person forms an extension or lay-out or makes any street referred to in section 21-A or puts up any building without or otherwise than in conformity with the orders of the Board under section 21-A, the Chairman may, whether or not the offender be prosecuted under this Act, by notice:—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street, should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street, should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

21-C. (1) The Chairman may,

Power of Chairman to order work to be carried out or to carry it out himself in default.

(*a*) if any person who applied for permission under section 21-A and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street does not so carry it out; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the buildings, to carry out any work which, in his opinion, may be necessary and within such time, as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed, and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1), in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue."

Amendment of section 24 of Mysore Act III of 1903.

21. In section 24 of the said Act, for the word "Councillors", the word "Council" shall be substituted.

Amendment of section 26 of Mysore Act III of 1903.

22. In sub-section (2) of section 26 of the said Act for the word "Councillors" the word "Council" shall be substituted and the following item shall be added at the end namely:—

"(*c*) Subject to the provisions of section 18-L betterment fee and other sums due and paid to or recovered by the Bounder the provisions of this Act."

Amendment of section 28 of Mysore Act III of 1903.

23. In section 28 of the said Act, for the words "May" and "July", the words "February" and "April" shall respectively be substituted.

Amendment of section 30 of Mysore Act III of 1903.

24. In the last sentence of section 30 of the said Act, after the words "A copy of the estimate", the words "as sanctioned by the Government" shall be inserted.

Amendment of section 32 of Mysore Act III of 1903.

25. In section 32 of the said Act, for the words "two thousand five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 33 of Mysore Act III of 1903.

26. In section 33 of the said Act for the words "Comptroller" the words "officer or authority appointed by the Government for this purpose" shall be substituted.

Amendment of section 35 of Mysore Act III of 1903.

27. In sub-section (1) of section 35 of the said Act, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted, and the following proviso shall be added, namely:—

"Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending; and shall report the fact to the Head of the Department of Government to which such officers belong."

Amendment of sections 37 and 38 of Mysore Act III of 1903.

28. (1) In sections 37 and 38 of the said Act for the word "Councillors" the word "Council" shall be substituted.

(2) In section 38 of the said Act,

(i) the word "and" at the end of clause (i) shall be omitted;

(ii) clause (*b*) shall be re-lettered as clause (*c*) and before clause (*c*) as so re-lettered the following clause shall be inserted, namely:—

"(*b*) For the delegation by the chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed upon or vested in him by sections 9, 12, 28, 32 and 45 and for the conditions or limitations subject to which such delegation may be made and"

29. In sub-section (1) of section 39 of the said Act, after clause (*e*), the following clause shall be inserted, namely :— Amendment of section 39 of Mysore Act III of 1903.

"(*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon;"

30. * * *

30. In section 45 of the said Act, for the words "All sums due" the words, figure and letter "Save as otherwise provided in section 18-H all sums due" shall be substituted. Amendment of section 45 of Mysore Act III of 1903.

31. In sub-section (1) of section 46 of the said Act, for the words "against any person" the words "against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board," and for the words "such person," the words "the Board" shall be substituted. Amendment of section 46 of Mysore Act III of 1903.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

NOTIFICATION.

No. 4406—L.A., Bangalore, dated 8—10th October 1951.

As required by Rule 69 of the Rules of Procedure and Conduct of business in the Mysore Legislative Assembly, the following report of the Select Committee on the Cattle Trespass (Amendment) Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

Report of the Select Committee on the Cattle Trespass (Amendment) Bill, 1951.

(Presented on 8th October 1951)

We, the Members of the Select Committee to which the Cattle Trespass (Amendment) Bill, 1951 was referred have considered the Bill in detail and have the honour to submit the following report :—

Clause 2.

While we are satisfied that it should be left to the State Government to prescribe by notification the scale of fines to be levied for impounding cattle, we consider it desirable that the Legislature should be kept informed of the scales prescribed by the Government from time to time and should also have an opportunity of modifying the scales if need be. We accordingly recommend that section 12 proposed to be substituted may be re-numbered

as sub-section (1) of section 12 and that a new sub-section be added as follows:—

"(2) Every notification issued under sub-section (1) shall come into force from the date of its publication in the *Mysore Gazette* and shall be laid before the Legislative Assembly, if it is in session as soon as may be after the issue of the notification and if it is not in session within three days of its re-assembly, and any member may, by a resolution moved within a period of seven days beginning with the day on which the notification is so laid before the State Assembly, seek to make any modification in such notification and if such resolution is passed by the Assembly, the notification shall thereafter have effect only in such modified form, but without prejudice to the validity of anything previously done thereunder."

The Bill was published in the *Mysore Gazette* Extraordinary dated the 14th March 1951.

In our opinion the Bill has not been so altered as to require circulation.

T. MARIAPPA (*Chairman*).
S. RANGA RAO.
M. C. VENKATESHAN.
K. SINGARI GOWDA.

BANGALORE,
13th August 1951.

Sriyuts T. Madiah Gowda and B. Hutche Gowda were absent at the meeting of the Select Committee.

[As amended by the Select Committee]

(Words side-lined or underlined indicate the amendments suggested by the Committee).

THE CATTLE TRESPASS (AMENDMENT) BILL, 1951.

A Bill further to amend the Cattle Trespass Act, 1871.

Preamble.

Whereas it is expedient further to amend the Cattle Trespass Act, 1871 (Mysore Act I of 1871), for the purpose hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Cattle Trespass (Amendment) Act, 1951.

(2) It shall come into force at once.

Substitution of a new section for section 12 of Mysore Act I of 1871.

2. For section 12 of the Cattle Trespass Act, 1871, the following section shall be substituted namely :—

Fines for cattle impounded.

"12. (1) For every head of cattle impounded as aforesaid the pound-keepers shall levy a fine in accordance with the scale for the time being prescribed by the State Government in this behalf by notification in the *Mysore Gazette*. Different scales may be prescribed for the different local areas.

All fines so levied shall be sent to the Magistrate of the District through such officer as the State Government may direct.

A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.

(2) Every notification issued under sub-section (1) shall come into force from the date of its publication in the *Mysore Gazette* and shall be laid before the State Legislative Assembly, if it is in session as soon as may be after the issue of the notification and if it is not in session within

three days of its re-assembly, and any member may by a resolution moved within a period of seven days beginning with the day on which the notification is so laid before the Assembly, seek to make any modification in such notification and if such resolution is passed by the Assembly, the notification shall thereafter have effect only in such modified form, but without prejudice to the validity of anything previously done thereunder."

G. S. VENKATARAMANA IYER,

Secretary,
Mysore Legislature.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. Fl. 3899—S.T. 25-51-2, dated Bangalore, the 5th October 1951.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948, (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to exempt the sale of tractors, their parts and accessories or their component parts from the additional tax leviable under sub-section (2) of Section 3 of the said Act, throughout the State of Mysore.

By Order of His Highness the Maharaja,

No. Fl. 4032-33—S.T. 26-51-2, dated Bangalore, 6th October 1951.

The following draft of an amendment to the Mysore Sales-Tax Rules, 1948, which is proposed to be made in exercise of the powers conferred by Section 25 of the Mysore Sales-Tax Act, 1948 (Mysore Act XLVI of 1948), is hereby published for the information of all persons likely to be affected thereby as required by sub-section (4) of the said section.

Notice is hereby given that the draft will be taken into consideration after four weeks from the date of publication of this notification in the *Mysore Gazette*.

Objections or suggestions, if any, to the said draft may be sent to the Secretary to Government, Finance Department, Public Offices, Bangalore, *through* the Commissioner of Sales-Tax in Mysore, Bangalore, for consideration so as to reach the former within the said period of four weeks.

Draft Amendment.

In the Mysore Sales-Tax Rules, 1948, in rule 11 after sub-rule (7) the following sub-rule shall be inserted, namely :—

"(7-a) Where contrary to the provisions of clause (1) or (2) of Article 286 of the Constitution of India, a registered dealer has collected amounts by way of tax or taxes,—

(i) if the amount has been credited to Government, the assessing authority shall refund such amount to such dealer with the direction that the said dealer shall refund it to the respective persons from whom he collected the tax or taxes within a period of three months from the date of refund of such amount ;

(ii) if the amount has not been credited to Government, such dealer may, with the permission of the assessing authority, refund such amount to the respective persons from whom he collected the tax or taxes within a period of three months from the date of permission of the assessing authority.

In all cases of refund under clause (i) or (ii), the registered dealer shall furnish proof to the satisfaction of the assessing authority that the refunds have actually been made by him to the persons from whom the amount was collected as tax or taxes. In the absence of such proof being furnished within the period of three months specified above, the assessing authority shall issue a notice to such dealer to credit such amount to Government, and on default to credit the amount accordingly, such amount shall be recoverable under sub-section (2) of Section 11.

The assessing authority may, in the case of any registered dealer, from time to time, extend the period of three months, specified in this sub-rule by such period not exceeding one year in the aggregate.

This sub-rule shall remain in force for a period of one year from the first day of October 1951.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. L. S. 2650—L.W. 74-51-4, dated Bangalore, 3rd October 1951.

In exercise of the powers conferred by Section 47 of the Mysore Labour Housing Act (Mysore Act XXVIII of 1949), His Highness the Maharaja of Mysore is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely, Mysore Labour Housing Rules, 1951.

Rules under the Mysore Labour Housing Act, 1949.

CHAPTER I.

Short title and commencement.

1. (1) These Rules may be called the Mysore Labour Housing Rules, 1951.

(2) They shall come into force at once.

Definition.

2. (1) In these Rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Mysore Labour Housing Act, 1949 (Mysore Act XXVIII of 1949);

(*b*) "Chairman" means the Chairman of the Corporation;

(*c*) "Form" means a form appended to these Rules;

(*d*) "Government" means the State Government;

(*e*) "Inspector" means an Inspector appointed under Section 37 of the Act;

(*f*) "Officer" means an Officer of the Corporation appointed under Section 8 of the Act;

(*g*) "Schedule" means a Schedule to these Rules;

(*h*) "year" means the official year, that is to say the period beginning from the 1st day of April ending with the 31st day of March of the year following;

(2) Expression not defined in these Rules shall have respectively the meaning assigned to them in the Act.

CHAPTER II.

Maintenance of a register of contributions and rents.

3. (1) Every employer shall maintain a Register in respect of every employee whose monthly income does not exceed on an average Rs. 125 and in respect of whom contribution is payable by the employer.

(2) The Register to be maintained under sub-rule (1) shall be in Form A and shall be verified and initialled in respect of each entry at the close of every month by the Officer or the Inspector authorised for the purpose.

Register of deduction from wages for rent paid by employer.

4. The Employer shall maintain a Register in Form B showing details of all deductions made under sub-section (5) (ii) of Section 27 of the Act, which shall be verified and duly signed by an Officer or Inspector in respect of each entry at the close of every month.

Manner of payment of contributions and rents.

5. All contributions and rents paid shall be remitted to the Corporation by postal money order or by credit to a treasury authorised to receive payments.

Refunds.

6. Any refund of contribution or rent claimed and admitted shall be noted in the register prescribed under rule 3 and shall be duly attested by an Officer or Inspector.

Standard of accommodation.

7. (1) (*a*) When an employer provides housing accommodation for his employees after the commencement of the Act, the size of each building shall be in accordance with the statement in Schedule. The housing accommodation shall be provided in areas free from malaria or any other insanitary condition prejudicial to public health.

(*b*) Each unit of labour houses shall consist of a front verandah with a pial, a hall, a bed room, a kitchen, a bath and a lavatory.

(2) Such accommodation shall be subject to inspection by the Corporation Officer and the Employer shall comply with such directions in respect of the maintenance of accommodation as such Officer may give.

CHAPTER III.

8. (1) The Corporation shall consists of the following members namely :— Constitution of the Corporation.

(a) Five persons representing the Government nominated by the Government;

(b) Five persons representing employers nominated by the Government in consultation with such organisations of employers as may be recognised for the purpose by the Government;

(c) Five persons representing employees nominated by the Government in consultation with such organisations as may be recognised for the purpose by the Government.

(2) At least one of the members shall be a woman and one of the members shall be the Chairman of the Corporation.

(3) The Chairman shall be appointed from among the members of the Corporation by the Government.

9. The Chairman of the Corporation shall be the Chief Executive Officer of the Corporation. Chief Executive Officer.

10. The Chairman may with the approval of Government appoint any Gazetted Officer of the status of an Assistant Commissioner of Labour to be the Secretary of the Corporation. Appointment of Secretary.

11. The members of the Corporation shall hold office for a period of three years commencing from the date of which their nomination is notified. Duration of Office of members.

Provided that any member or members of the Corporation shall, notwithstanding the expiry of the period of three years, continue to hold office until the nomination of the successor or successors is notified.

12. An outgoing member of the Corporation shall be eligible for renomination for the membership of the Corporation. Renomination for membership.

13. A member of the Corporation may resign his office by notice in writing to the Government and his Resignation of members.

seat shall fall vacant on the acceptance of his resignation by the Government.

Cessation of membership.

14. A member of the Corporation shall cease to be a member thereof if he fails to attend three consecutive meetings thereof, or commits such act or acts as would appear to the Chairman to constitute a sufficient reason to recommend to the Government his removal and the Government by order in writing removes such member from membership.

Filling up of casual vacancies.

15. Whenever a casual vacancy occurs by reason of death, resignation or removal of a member, the Government shall nominate another person to fill the vacancy in the same manner as it nominated the member by whose death, resignation or removal the vacancy occurred.

Duration of office of member nominated in casual vacancy.

16. A member of the Corporation nominated in a casual vacancy shall hold office only so long as the member in whose place he is nominated, would have been entitled to hold office if the vacancy had not occurred.

Meetings of the Corporation.

17. (1) The Corporation shall meet at least four times each year.

(2) The Chairman may, whenever he thinks fit, and shall within 15 days of the receipt of a requisition in writing from not less than one half of the members of the Corporation, call a meeting.

(3) Any requisition made under this rule shall specify the object of the meeting proposed to be called for.

Roll of members.

18. (1) The Corporation shall maintain a roll of members separately for the Corporation and for each Local Committee. The name and address of each member shall be stated therein.

(2) If a member changes his address he shall intimate such change by registered post to the Corporation for the correction of his address in the Roll.

Notice of meetings and list of business.

19. (1) The Chairman shall decide the date, time and place of every meeting. A notice of not less than 10 days shall ordinarily be given of each meeting to every member of the Corporation. Such notice may be sent to every

member by post or in any other suitable manner. A list of business proposed to be transacted shall be sent along with the notice. Brief notes on each item of the agenda shall be sent along with the agenda or as soon thereafter as possible. If it is necessary to convene an emergent meeting, at least one week's notice thereof shall be given to every member.

(2) No business other than that for which a meeting is convened shall be considered at any meeting except with the permission of the Chairman of the meeting.

Chairman of the meeting.

20. The Chairman of the Corporation shall preside at the meetings. In the absence of the Chairman the members present at the meeting may elect one amongst themselves to preside at the meeting.

21. (1) The proceedings of each meeting indicating *inter alia* the names of the members present thereat, and a report of the business transacted thereat, shall be forwarded to each member of the Corporation and to the Government as soon after the meeting as possible and in any case not later than four weeks after the meeting.

(2) The minutes of each meeting shall be confirmed, with such modifications as may be considered necessary, at the next meeting.

Minute Book.

22. (1) The minutes of a meeting of the Corporation shall be kept in a separate book (hereinafter referred to as the minute book) and shall be signed by the Chairman and the members present at the meeting at which the minutes are confirmed.

(2) A copy of the minute so confirmed shall be forwarded to Government within 15 days from the date of such confirmation.

(3) The minute book shall be kept open at the Principal Office of the Corporation during office hours on working days for inspection free of charge by any member of the Corporation.

Fees and allowances to members.

23. No member shall be paid any salary but shall be allowed the same rates of travelling allowances and daily allowances as are payable to the members of the Legislative Assembly.

Decisions pertaining to policy.

24. All decisions pertaining to questions of policy shall be taken at meetings of the Corporation previous notice of which shall be sent to the members.

Differences of opinion among members.

25. (1) In case of any difference of opinion votes shall be taken and the opinion of the majority shall prevail.

(2) In the case of equality of votes, the Chairman shall have a casting vote.

Quorum.

26. For every meeting the quorum shall be one half of the number of total members of the Corporation, but no quorum shall be necessary for an adjourned meeting to consider the same agenda.

Local Committees.

27. (1) The Local Committees shall consist of representatives of employees and employers of the local area concerned and of the Government with a Chairman nominated by the Corporation. The local area shall be the revenue district.

(2) The number of representatives of employees and employers and their proportion shall be determined by the Corporation with the approval of the Government.

(3) The rules governing the conduct of the Corporation with regard to vacancies, meetings, voting and quorum shall *mutatis mutandis* apply in respect of the Local Committees.

General powers of the Officers of the Corporation.

28. (1) Every Officer appointed by the Corporation shall have power to supervise the collection of the contribution under Section 3 of the Act and of the rent payable under sub-section (4) of Section 27 of the Act.

(2) For the purpose of exercising his powers and performing his duties, every Officer may, after giving reasonable notice, enter any place used for the purpose of any industry or the dwelling place of any employee and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act.

Duty of Officers of the Corporation.

29. It shall be the duty of every Officer to bring to the notice of the Corporation any breaches in respect of Section 3 and sub-section (4) of Section 27 of the Act.

30. The conditions of service under the Corporation other than those appointed under Section 8 of the Act shall be specified in the Regulations to be framed by the Corporation in this behalf. Conditions of service.

31. (1) The Corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the purposes of the Act. Contracts.

(2) Every contract made under or for any purpose of the Act, shall be made on behalf of the Corporation by the Chairman or subject to such conditions as he may specify, by such member or such officer or officers as may be authorised in this behalf by the Corporation.

(3) Every contract entered into by any person or persons as provided by sub-rule (2) shall be entered into in such manner and form as would bind such person if it were made on his own behalf and may in like manner and form be varied or discharged :

Provided that the common or official seal, as the case may be, of the Corporation shall be affixed to every contract.

32. (1) The common seal of the Corporation shall remain in the custody of the Chairman and shall not be affixed to any instrument except in the presence of the Chairman or two members of the Corporation, and the Chairman, or the said two members shall sign the instrument in token of the fact that the same was sealed in their presence. Seal.

(2) The Corporation shall have for use at each of such other of its offices as it may specify an official seal which shall be a facsimile of the common seal of the Corporation with the addition of the name of the Office where it is to be used.

(3) The Official seal shall not be affixed to any instrument except in the presence of such person or persons as the Corporation may authorise in this behalf and such person or persons shall sign the instrument in token of the fact that the same was sealed in his or their presence.

(4) An instrument to which an official seal is duly affixed shall bind the Corporation as if it has been affixed with the common seal of the Corporation.

Acquiring or disposal of moveable or immoveable property.

33. The Corporation shall not sell or acquire moveable or immoveable property unless authorised by a decision of the Corporation taken at a meeting thereof:

Provided that sanction of the Government shall be required for the exchange of any immoveable property or for the taking of any property on lease for a term exceeding twelve months or for the acceptance of any gift or bequest of property burdened by obligation:

Provided also that sanction of the Government shall be required for disposing of by sale or otherwise, any moveable or immoveable property belonging to the Corporation the value of which exceeds ten thousand rupees in each case or the grant for any term exceeding twelve months of a lease of any immoveable property belonging to the Corporation.

Publication of notice re: acquisition or disposal of property.

34. In the case of any major transaction regarding the acquisition, or disposal of property by the Corporation, a notice to that effect shall be published in the *Mysore Gazette* and the transaction completed only after scrutiny of objections received within the specified period announced in such notice.

Raising and repayment of loans.

35. (1) The Corporation may in pursuance of a resolution adopted at a meeting, and with the previous sanction of the Government, raise loans from the Government, the Reserve Bank of India, the Imperial Bank of India or the Bank of Mysore, Ltd., for the purposes of the Act.

(2) Where a loan is obtained from any Bank specified in sub-rule (1), the Corporation may, with the approval of the Government, mortgage all or any of the properties vesting in the Corporation as security for the repayment of the sums taken as loan with the interest thereon.

(3) All payments due from the Corporation for interest on and repayment of loans shall be made in such manner and at such times as may have been agreed to in the instrument:

Provided that the Corporation may apply any sums which can be so applied, in repaying any amount due in respect of the principal of any loan although the repayment of the same may not be due.

(4) No expenditure incurred out of a loan shall be charged by the Corporation to capital, except with the previous sanction (or under the direction) of the Government.

(5) The Corporation shall submit to the Government at the end of each official year an annual statement of the loans raised and repayments made during the preceding year in such form and with such particulars as the Government may specify.

CHAPTER IV.

Investment, transfer and realisation of Funds.

36. (1) All moneys belonging to the Fund which are not immediately required for expenses properly defrayable under the Act may, subject to the approval of the Corporation, be invested by the Chairman in Government of India or State Government securities or as fixed deposits in the State Government Savings Bank.

(2) Moneys belonging to the Fund shall not be invested in any other manner except with the previous approval of the Government.

(3) Any investment made under this rule may, subject to the provisions of sub-rules (1) and (2) be varied, transposed or realised from time to time :

Provided that if such variations, transpositions or realisations are likely to result in loss, the prior approval of the Government shall be obtained.

(4) The Government may, at any time, by order in writing direct the vacation in part or in whole, or prohibit investment in any security or class of securities or any land or building and the Corporation shall be bound to comply with such order.

(5) All dividends, interest or other sums received in respect of any investment shall, as soon as possible after receipt, be paid into or credited to the account of the Fund.

(6) The expenses of or the loss, if any, arising from any investment shall be charged to the Fund and the profit, if any, from the sale of any investment shall also accrue to the Fund.

(7) The approval under sub-rules (1) and (2) of the Government may be given with or without any conditions either generally or in any particular case.

Statements of amounts deposited in and withdrawn from Banks.

37. The Bank or Banks maintaining an account for the Fund shall be required at the end of every calendar month to furnish the Corporation or such Officer as may be authorised by it in this behalf a statement, in Form C, of the amounts deposited in and withdrawn from the Fund during the month.

Provident Fund.

38. The Corporation shall establish, maintain and contribute to a Provident Fund called the "Mysore Labour Housing Corporation Provident Fund" (hereinafter referred to as the Provident Fund) in respect of its employees other than those placed at the disposal of the Corporation by the Government.

Administration of the Provident Fund.

39. The Provident Fund shall be administered by the Corporation or any Committee thereof approved by the Corporation for the purpose and subject to such conditions as the Corporation may impose.

Manner of payments out of the Fund.

40. (1) Any payment out of the Fund shall be made by cheque or letter of authority duly signed by the Chairman or any Member of the Corporation authorised by the Corporation or an Officer appointed by the Corporation and authorised by it in this behalf:

Provided that payment of salaries to the employees of the Corporation drawing a basic salary not exceeding two hundred and fifty rupees a month may be made in cash.

(2) No payment shall be made out of the Fund unless the expenditure is covered by a current budget grant.

Circumstances in which cheques may be drawn.

41. Before any person authorised under rule 40, signs a cheque, he shall satisfy himself that the cheque drawn is—

(i) required for a purpose or work specifically sanctioned by proper authority and covered by a current budget grant; and

(ii) required for any payment referred to and specified in Section 18 of the Act.

42. The Corporation shall maintain complete and accurate accounts of all transactions in the manner specified below :— Maintenance of accounts.

(1) The accounts of the revenue of Corporation shall be maintained in Form 'D'.

(2) The accounts of the expenditure of the Corporation shall be maintained in Form 'E'.

(3) A complete account of expenditure incurred in respect of the various measures specified in Section 11 of the Act shall be maintained in Form 'F'.

(4) A detailed account of all gifts, donations or grants shall be maintained by the Corporation in Form 'G'.

(5) The Corporation shall maintain accounts in respect of any other matter in such form as may be approved by the Government from time to time.

43. (1) All accounts of the Corporation maintained in accordance with rule 42 shall be produced before the Auditors authorised to scrutinise them. Audit of accounts of the Corporation.

(2) The accounts of the Corporation shall be audited every year.

(3) The Government shall, as soon after the close of each official year as possible, appoint auditors to audit the accounts for the official year thus ended and shall notify their appointment to the Corporation and in the *Mysore Gazette.*

44. The Corporation shall submit all accounts to the Auditors as required by them. The Auditors may be written notice, require the production before them or before any Officer subordinate to them, of any document which they may consider necessary for the proper conduct of the audit. Powers of Auditors.

45. The Auditors shall report on the annual accounts to the Corporation and the Government on such date and in such form as the Government may specify in this behalf, and they shall state whether in their opinion the Balance Sheet is a full and fair Balance Sheet containing all necessary particulars and properly drawn-up so as to exhibit a true and correct view of the state of Report of Auditors.

affairs of the Corporation and in case they have called for any explanation or information from the Corporation or any of its officers whether it has been given and whether it is satisfactory.

Power of Government to call for explanation.

46. On receipt of the Audit Report, the Government may call upon any Member of the Corporation or any Officer thereof for such explanation or other statement as the Government may require.

Authentication of annual accounts and reports.

47. The annual accounts and reports as adopted by the Corporation shall be authenticated by affixing the common seal of the Corporation.

Impropriety or irregularity in accounts.

48. The Auditors shall submit to the Corporation and the Government a separate statement, if necessary, in regard to—

(i) any material impropriety or irregularity which they may observe in the expenditure or in the recovery of moneys due to, or in the accounts of the Corporation;

(ii) any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct with the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste.

The Corporation shall forthwith remedy any defect or irregularity that may be pointed out by the Auditors and shall report to the Government the action taken by it thereon within three months of the receipt of the report of the Auditors.

Disallowance of expenditure incurred and surcharge for loss or deficiency.

49. (1) The Auditors shall, after giving the person concerned an opportunity to submit an explanation, and after considering any such explanation, disallow any item of account contrary to the provisions of the Act or of the rules or regulations made thereunder, and surcharge the same on the person making or authorising the making of payment of such account and shall charge against any person accounting, the amount of any deficiency or loss incurred by the negligence or misconduct of the said person or of any sum which ought to have been, but is not

brought into account by the said person and shall, in every such case, certify the amount due from such person.

(2) The Auditors shall state in writing their reasons for every disallowance, surcharge or charge made by them and shall serve a certificate of the amount due and a copy of the reasons for their decisions, on the person against whom the certificate is made and shall also furnish copies thereof to the Corporation and to the Government.

(3) The Government may on their own motion, or on a reference by the Corporation or on an application of the aggrieved person made within three months from the date of the service of a certificate, on him under sub-rule (2), pass such orders they think fit, and the Corporation shall thereafter take action in accordance therewith within such time as may be specified by the Government.

Recovery of amounts certified to be due.

50. (1) Every sum certified to be due from any person by the Auditors or if the certificate has been modified by the Government, the sum shown to be due from such person in the modified certificate, shall be paid by such person to the Corporation within three months from the date on which he has been served with the certificate of the Auditors or within such longer period as may be allowed by the Government.

(2) Any sum or part thereof so paid or recovered, the certificate in respect of which is set aside or modified, shall as the case may require, be wholly or partly refunded to the person who paid it.

CHAPTER V.

Preparation and submission of annual budget estimates.

51. (1) The budget estimates of the Corporation for each official year shall be prepared in such form as the Government may direct from time to time and shall be submitted with the recommendations of the Chairman of the Corporation for approval at a meeting of the Corporation.

(2) A copy of the budget estimates shall be sent to each member of the Corporation at least ten clear days before the meeting of the Corporation at which these estimates are to be considered.

(3) The Corporation shall consider and approve the budget estimates with such changes as it may consider necessary.

(4) The budget estimates as passed by the Corporation shall be authenticated by affixing the common seal of the Corporation and shall be submitted to the Government not later than the first of November of the preceding year.

(5) It shall be open to the Government to make such alterations in the budget estimates as they may consider necessary before according approval.

Supplementary estimates.

52. The Corporation may cause a supplementary estimate to be prepared, if, in respect of any official year further expenditure is likely to be incurred. Every such supplementary estimate shall be considered and sanctioned by the Corporation and submitted to the Government in the same manner as if it were an original annual estimate, not later than the fifteenth of February of the official year to which it relates. The provisions of Rule 51 shall, so far as may be, apply to such supplementary estimate.

Re-appropriation.

53. (1) If the Chairman finds that in the course of the year, there is likely to be an excess of expenditure over the sanctioned budget estimates under any head, he shall examine the allotment under each head of the budget estimate with the object of discovering probable savings under any other head and effecting a re-appropriation. Where such re-appropriation is feasible, he may sanction the re-appropriation subject to such conditions as may be laid down from time to time by the Government.

(2) Amounts shall not be re-appropriated to meet expenditure on a new service not contemplated in the budget estimate, except with the prior approval of the Government.

Returns to be furnished by the employers.

54. The Corporation shall make returns under these rules in accordance with the regulations made by it in regard to the form in which and the period for which they shall be prepared.

Returns to be furnished by the employers.

55. Every employer shall make the following returns and send them to the Corporation or to such Officers as the Corporation may authorise in this behalf:—

(1) A list of all the houses provided by him to his employees and which have been approved by the Corporation as being in good habitable condition.

(2) The number of employees in respect of which no housing accommodation is provided for by him and for whom he is paying the contribution as required by Section 3 of the Act.

(3) The details of the deductions made from the wages of his employees in respect of rent payable under sub-section (4) of Section 27.

(4) Any exemptions granted by the Government under sub-section (1) of Section 38 of the Act.

FORM "A".

Rule (3).

Name of employee	Average monthly earnings	Prescribed contribution of employer	Date of acknowledgment of receipt by the Housing Fund	Initials of Inspecting Officer

FORM "B".

Rule (4).

Deductions made by the Employer in regard to the recovery of rent.

(1) Name of the Industrial concern.....

(2) Place of location.....

(3) Postal address.....

(4) Nature of the Industry.....

(5) Month of.....195

Serial Number	Name of the Employee	Father's name	Token No. and Department	Amount of Wages	Deduction made	Period for which deduction is made	Signature of the Employer	Signature of Officer or Inspection

FORM "C".

Rule 37.

Statement of deposits and withdrawals of money from the Mysore Labour Housing Fund.

1. Name of the Bank ...
2. Address ... ...
3. Statement for the month of ...
4. Balance at the commencement of the month.
5. Amount deposited during the month.
6. Amount deposited by whom
7. Total for the month ...
8. Amount withdrawn ...
9. Amount withdrawn by whom ...
10. Balance at the end of the month.

Manager of the Bank.

FORM "D".

Rule 42 (1).

Statement of Revenue of the Corporation.

Statement for the month of.....

Nature of the income.	*Amount received*
1. Grants	
2. Gifts	
3. Donations	
4. Rents for the houses constructed by the Corporation.	
5. Interest on the loans granted to the employers.	
6. Return on the capital investment in respect of measures specified under Section 11 of the Act.	
7. Any other income from the property owned or acquired by the Corporation.	
8. Loans floated	
9. Income through any other source ...	
Total ...	

Signature of the Chief Executive Officer.

FORM "E".

Rule 42 (2).

Statement of Expenditure of the Corporation.

Nature of the Expenditure.	*Amount spent.*
1. Cost of erecting or re-erecting houses ...	...
2. Maintenance and repairs of the houses and of providing services and facilities connected therewith.	
3. Cost of preparing schemes and of acquiring land for building sites.	
4. Payment of grants to employers or a local authority or money in aid of any scheme drawn up for the purposes of the Act.	
5. Payment of fees and allowances to the members of the Corporation and local committees.	
6. Payment of (*a*) Salaries, (*b*) Leave and joining time allowances, gratuities and compassionate allowance, pensions contribution to the Provident Fund of Officers and servants.	
7. Expenditure in respect of officers and other services set up for enforcing the provisions of the Act.	
8. Cost of auditing the accounts of the Corporation and the valuation of assets any liabilities.	
9. Payment of any sum under any contract ...	
10. Payment of any sum under any decree or order of any Court against the Corporation or in pursuance of any compromise or any settlement of any suit.	
11. Cost of any other charges of instituting or defending any Civil or Criminal proceedings arising out of any action taken under the Act.	
12. Expenditure incurred in respect of the measures referred to under Section 11 of the Act.	
13. Payment of interest on the loan floated ...	
14. Expenditure in respect of the purchase of the immoveable or moveable property.	
Total ...	

FORM "F".

Rule 42 (3).

Statement of accounts regarding measures specified in Section 11.

		Rs. a. p.
1.	Expenditure for the provision of gardens, playgrounds and recreational facilities ...	.....
2.	Improvement of public health and sanitation ...	.....
3.	Provision of Water Supply and facilities for washing	.....
4.	Provision of Transport to and from work ...	.....

FORM "G".

Rule 42 (4).

Statement of Gifts, Donations or Grants—Loans.

1	Nature of the amount received	Gifts Donations Grants or loans
2	Amount received ...	Rs. .... (in words) Rs. .....(in figures)
3	From whom received ...	
4	If it is a loan, what is the rate of interest?	
5	Whether deposited in the Bank or Treasury?	
6	If so on what date? ...	

Chief Executive Officer.

SCHEDULE.

Rule 7 (1) (*a*).

Statement showing the details of four types of buildings for housing different income groups.

Particulars	Income			
	Rs. 25 to 40	Rs. 40 to 60	Rs. 60 to 100	Rs. 100 to 125
1 Built area ...	360 s.ft.	460 s.ft.	500 s.ft.	600 s.ft.
2 Size of site ...	20'×40'	20'×40'	30'×40'	30'×40'

By Order of His Highness the Maharaja,

No. L.S. 2656—L.W. 47-50-7, dated Bangalore, the 3rd October 1951.

In exercise of the powers conferred by Section 42 of the Shops and Establishments Act, 1948 (Act No. II of 1948), His Highness the Maharaja of Mysore is pleased to appoint Sri B. H. Muniramu, B.A., Senior Investigator, Labour Department, as Inspector of Shops and Establishments, Bangalore City Area.

By Order of His Highness the Maharaja,

No. L.S. 2658—L.W. 47-50-8, dated Bangalore, the 3rd October 1951.

In exercise of the powers conferred by Section 42 of the Shops and Establishment Act, 1948 (Act II of 1948) His Highness the Maharaja of Mysore is pleased to appoint Sri V. Rama Rao, B.Sc., LL.B., as Inspector of Shops and Establishments, Chikmagalur Town.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. W. 782, dated Bangalore, 13th October 1951.

In exercise of the powers conferred by Section 20 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act No. XXX of 1951), His Highness the Maharaja of Mysore is pleased to exempt House No. 4, situated in Millers Road in the City of Bangalore, owned by His Excellency Baber Shamshere Jang Bahadur Rana of Nepal, from all the provisions of the said Act.

No. W. 768, dated Bangalore, 24th September 1951.

In exercise of the powers conferred by Section 20 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXX of 1951), it is hereby notified that all houses owned by His Highness Sri Jayachamaraja Wadiyar, the Maharaja of Mysore, are exempted from all the provisions of the said Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, SATURDAY, OCTOBER 20, 1951

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4556—L.A., dated Bangalore, 20th October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE HIGH COURT (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore High Court Act, 1884.

Preamble.

WHEREAS it is expedient further to amend the Mysore High Court Act, 1884 (Mysore Act I of 1884), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore High Court (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of preamble to Mysore Act I of 1884.

2. In the preamble to the Mysore High Court Act, 1884 (hereinafter referred to as the said Act), after the words "amend the constitution of", the words "and to provide for the administration of justice by" shall be inserted.

Amendment of section 1 of Mysore Act I of 1884.

3. In section 1 of the said Act, the fourth paragraph shall be omitted.

Omission of sections 2, 4, 6, 7, 8, 9 and 10 of Mysore Act I of 1884.

4. Sections 2, 4, 6, 7, 8, 9 and 10 of the said Act, shall be omitted.

Amendment of section 13 of Mysore Act I of 1884.

5. In section 13 of the said Act, the second sentence shall be omitted.

Amendment of section 15 of Mysore Act I of 1884.

6. In section 15 of the said Act,

(1) to sub-section (1), the following proviso shall be added, namely:—

"Provided that second appeals arising out of any suit or proceeding, the amount or value of the subject-matter of which does not exceed three thousand rupees, shall be heard and disposed of by any Judge of the High Court sitting alone and any such Judge may, if he is satisfied that a substantial question of law is involved in the case, refer such second appeal to a Bench of Judges for disposal."

(2) in sub-section (3), the second sentence shall be omitted.

7. In section 16 B of the said Act, the words and figures "Notwithstanding anything contained in the proviso to section 19", shall be omitted.

Amendment of section 16B of Mysore Act I of 1884.

8. In the third paragraph of section 18 of the said Act, the first and second sub-paragraphs and the word "thirdly" in the third sub-paragraph shall be omitted.

Amendment of section 18 of Mysore Act of 1884.

9. In section 19 of the said Act, the proviso shall be omitted.

Amendment of section 19 of Mysore Act I of 1884.

10. For section 23 of the said Act, the following section shall be substituted, namely :—

Substitution of new section for section 23 of Mysore Act I of 1884.

"23 (1) In addition to public holidays authorised by the Government of Mysore, the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

Vacations.

(2) The total number of days in all the said three vacations shall not exceed eighty days and the period of each vacation in each year shall be fixed by the Chief Justice."

11. Notwithstanding anything contained in any law or decision having the force of law to the contrary, the provisions of section 15 of the Mysore High Court Act, 1884, as amended by section 6 of this Act, shall apply—

Application of section 15 of Mysore Act I of 1884 as amended by section 6 to pending cases.

(i) to all second appeals pending in the High Court, and

(ii) to all second appeals arising out of any suit, appeal or other proceeding pending in any Civil Court subordinate to the High Court,

on the date of commencement of this Act.

Statement of Objects and Reasons.

The High Court Arrears Committee presided over by the Hon'ble Mr. Justice S. R. Das of the Supreme Court has made certain suggestions to bring down the arrears

in the High Courts. The Committee has recommended *inter alia* that a single Judge's jurisdiction in civil matters in the High Courts where it is at present below Rs. 5,000 should be raised to Rs. 5,000. The arrears of work in the High Court of Mysore are heavy and are on the increase. It is therefore considered that one of the methods to tackle the problem would be by giving effect to the recommendation of the Das Committee in this respect. The Mysore High Court have recommended that for the present the single Judge's jurisdiction may be fixed at Rs. 3,000 instead of Rs. 5,000 as proposed by the Das Committee. This entails certain amendments to the Mysore High Court Act, 1884.

At present there is no provision of law governing vacation for the High Court. On the recommendation of the High Court it is considered necessary to make provision for this purpose.

With the commencement of the Constitution of India and the extension of the Central Code of Civil Procedure, 1908, to Mysore certain amendments have to be made in the Mysore High Court Act.

Hence this Bill.

K. CHENGALARAYA REDDY.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, MONDAY, OCTOBER 22, 1951

ORDER.

No. L.D. 1449—L.A. 34-51-2, dated 22nd October 1951.

In exercise of the powers conferred by clause (1) of Article 174 of the Constitution of India, I, JAYA CHAMARAJA WADIYAR, Maharaja of Mysore, do hereby order that the meetings of the Session of the State Legislative Assembly summoned to meet at the Crawford Hall at Mysore on Monday the 8th October 1951, be continued at the Legislative Assembly Hall at Bangalore on and from the 24th day of October 1951.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, OCTOBER 25, 1951 [No. 42

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 2640—L.W. 166-51-2, dated Bangalore, 3rd October 1951.

Ordered that the accompanying Notification No. L.A. 4 (3) II—2923, dated the 30th July 1951 of the Labour Appellate Tribunal of India, Calcutta, publishing the rules regulating the practice and procedure of the Labour Appellate Tribunal, in the *Gazette of India*, Part III, Section 1, dated 11th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

LABOUR APPELLATE TRIBUNAL OF INDIA.

NOTIFICATION.

Calcutta, the 30th July 1951.

No. LA-4 (3) II—2923. The following orders of the Labour Appellate Tribunal to regulate its practice and procedure are published for general information.

LABOUR APPELLATE TRIBUNAL OF INDIA.

By virtue of the powers conferred on it by sub-section (10) of section 9 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (Act XLVIII of 1950), the Labour Appellate Tribunal of India is pleased to make the following orders to regulate its practice and procedure.

ORDER No. I

1. Memoranda of appeals, applications, affidavits, and all papers to be filed in or to be used before the Tribunal shall be typed on one side only on stout foolscap paper with double spacing and a two-inch margin.

2. All applications must be in writing :—

Note:—Writing shall include Typing, Printing, Lithography or Script mechanically reproduced.

3. All applications must be supported by affidavits unless the facts stated therein appear from the record of the case.

4. (1) Affidavits containing statements of facts shall be divided into paragraphs consecutively numbered, and, as nearly as may be, each paragraph shall be confined to a distinct portion of the subject.

(2) Every person making an affidavit shall be described in such manner as to serve to identify him clearly, *e.g.*, full name, father's name and place of residence, and must be properly identified.

Note:—The person identifying the deponent shall be known to the officer before whom the affidavit is being sworn.

(3) Facts within the knowledge of the deponent must be affirmed as being to his knowledge, facts true to his information must be affirmed as such, the source of information being disclosed, and facts true to his belief must be affirmed as such.

5. Affidavits filed before the Tribunal shall have every page of the documents forming part of, or referred to, in the affidavits signed, and all corrections and additions made in the said documents initialled, by the officer or authority before whom they are sworn.

6. No affidavit, wheresoever sworn, shall be accepted in the Tribunal's office unless it complies with the requirements of Rules 4 and 5 of this Order.

7. Counter-affidavits shall be allowed to be used only if twenty-four hours' notice thereof has been given by the party desiring to use such counters-affidavits to the other side.

8. An application for stay of implementation of an award or decision and all other applications shall be filed and moved at the place where the appropriate Bench of the Tribunal is for the time being holding its sittings.

Explanation : "Appropriate Bench of the Tribunal" means the Bench taking cases from the region from which the appeal arises.

9. An application for stay of the implementation of an award or decision appealed from shall be moved as expeditiously as possible and at the earliest opportunity after the presentation of the memorandum of appeal.

10. All applications, except applications for extension of time to file an appeal, shall ordinarily be moved on notice to the opposite party given by the applicant, such notices shall specify the date and the time when, and the place where, the application is intended to be moved and must be accompanied by a copy of the application and its annexures, if any, and in the case of an application for stay of the implementation of an award or decision, also by a copy of the memorandum of appeal and of the award and decision. The applicant shall also send intimation to the office of the Tribunal about the date, time and place where the application is intended to be moved 24 hours before it is moved.

11. (1) Where on account of urgency or other sufficient cause, an application for stay of implementation of an award or decision appealed from cannot be moved with previous notice given by the applicant to the opposite party, the Tribunal may issue a *rule nisi*, with or without stay, and subject to such conditions as it may think fit to impose.

(2) In such a case as many copies of the application and its annexures, if any, as there are parties to be served, shall be filed by the applicant within twenty-four hours of the passing of the Tribunal's order and the Tribinal's office should serve the same together with a copy of the *rule nisi* on each of the opposite parties by registered post.

The Tribunal may also require the applicant to serve the same on the opposite party within a time to be fixed by it.

12. (1) No notice need be served by the Appellant on the respondent where the application is solely for the purpose of obtaining of time for filing an appeal.

(2) The Tribunal may, unless it thinks fit to issue notice of such application to the respondent, grant it *ex parte*.

13. All notices required to be served on parties by the Act, the Rules of the Central Government or by these Orders shall, unless the Tribunal otherwise directs, be served by Registered post.

14. An application for adducing additional evidence before the Tribunal shall be accompanied in original by the documents and papers intended to be used as additional evidence. A copy of the application and its annexures shall be served by the applicant on the opposite party at least a week before the date fixed for the hearing of the appeal.

15. Unless otherwise provided by the rules in these Orders, or ordered by the Tribunal, an application or affidavit of which previous notice is required to be given by a party to the opposite party, will not be allowed to be moved unless seventy-two hours' clear notice has been given to the opposite party.

16. A party intending to use at the hearing of an appeal any document or paper not already among the papers furnished to the Tribunal and the opposite party, shall prepare and file before the date of hearing three typed copies thereof, or of a translation in the English Language as the case may be, for the use of the Tribunal. He must also serve a copy there of on the other party before the hearing commences.

ORDER No. II

1. The benches of the Tribunal shall ordinarily sit from 11 A.M. to 1-30 P.M. and 2 P.M. to 4-30 P.M. on all days except Saturdays, Sundays and Holidays.

2. The office hours shall be such as the Chairman may from time to time direct.

3. The holidays and vacations to be observed by the Tribunal shall be such as the Tribunal may from time to time, with the approval of the Central Government, fix.

4. The Registrar shall be in administrative control of the Tribunal's offices and the officers in immediate charge of such offices shall be responsible to the Registrar and he to the Chairman for their efficient administration.

5. The office rooms are not open to the public. Information regarding cases shall be supplied on written applications and under the orders of a Gazetted Officer only. Where information cannot be furnished briefly the party concerned shall be asked to obtain a copy of the document or documents from which the information is available on payment of the prescribed copying fees.

6. *Bona-fide* parties or their representatives may interview any Gazetted Officer of the Tribunal during office hours on official business. They may also, on being permitted to inspect records, carry out inspection in the presence of an officer of the Court specially appointed for the purpose by the Registrar.

Parties inspecting records under this Rule or before the Tribunal shall not be allowed to take copies of any document but may take short notes for purposes of referring to the document or applying for copies thereof.

7. All official correspondence meant for the Tribunal shall be addressed to the Registrar by designation.

In the absence of the Registrar, the Deputy Registrar or Assistant Registrar, as the case may be, shall open and deal with such correspondence.

8. The Registrar, and in his absence the Deputy Registrar shall have a list made out of the appeals filed, according to the order in which they are received and have them marked serially and entered in a Register to be maintained for the purpose.

9. Applications shall be separately numbered and entered in a separate Register but after being so numbered and entered, applications relating to matters pending before the Tribunal or disposed of by it shall be placed and dealt with with the records of the appeals or other proceeding to which they relate, cross reference being given in the Registers of appeals and Applications.

ORDER No. III

1. The Tribunal may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as it shall consider just and expedient.

2. An application to be excused from compliance with the requirements of any of the Rules shall be addressed in the first instance to the Registrar, who shall take the instructions thereon of the Tribunal and communicate the same to the parties, but if in his opinion it is desirable that the application should be dealth with in open Court, he may direct the applicant to lodge it in the Registry and to serve the other parties with a notice of motion returnable before the Tribunal.

3 The Tribunal may enlarge or abridge any time appointed by these Rules, or fixed by any order enlarging time for doing of any act or taking a proceeding upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered although the application therefor is not made until after the expiration of the time appointed or allowed.

4. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

ORDER No. IV

I Copies.

1. A party shall be entitled at any stage to obtain a copy of the record of the case or any portion thereof including exhibits which have been put in and finally accepted in evidence, but excluding confidential papers and office notes.

2. A stranger to an appeal or application may, after decision, obtain a copy of any document on the record of a case, except confidential documents and office notes :

Provided that a stranger may not be given a copy of exhibits admitted in evidence except with the consent of the person by whom they were produced or his successor in interest.

3. Every such copy shall be examined and certified as correct before it is issued from the office of the Tribunal.

NOTE.—No copy shall be certified unless it has been prepared in the Tribunal's office.

4. The fees for preparing and certifying copies shall be such as may from time to time be prescribed and shall be deposited in cash.

Copies of decisions may be supplied to the Press on formal application being made and, unless otherwise ordered by the Chairman, shall be charged for at the rates prescribed for preparing copies.

Editors of such Law Journals as may be approved by the Tribunal shall be allowed to make copies of decisions free of charge provided that the copies are made by thier own agents, using their own typewriters and stationery and that such copying work is done in the presence of an Officer deputed by the Registrar for the purpose :

Provided further that applications for such copies are made within seven days of the disposal of a case.

NOTE.—Nothing contained in this rule or the previous thereto, shall affect or limit the power of the Tribunal to withdraw or modify at any time the privilege or concession granted under this Rule or otherwise, without any reasons being given for such withdrawal or modification.

5. Ordinary applications for copies shall be made between 11 A.M. and 3-30 P.M. on working days and between 11 A.M. and 12 Noon on Saturdays.

Applications for urgent copies may be made at any time during office hours.

6. Applications for copies shall be made in the prescribed form (Form No. XV appended to these Rules) copies whereof may be obtained from the Office of the Tribunal.

7. On receipt of an application for a copy, the Head Clerk shall inform the applicant of the amount of fees payable and that his application will not be considered complete and the preparation of the copy will not be commenced, until he has deposited the said amount.

8. If, owing to insufficient or incorrect description the document of which a copy is sought cannot be traced, that fact should be endorsed on the application which should be submitted to the Assistant Registrar for orders.

9. If the estimated amount of fees is not putin within seven days of its being notified to the applicant the application for copy shall be rejected.

10. If an application has been rejected under Rule 9, and a copy is still required, a fresh application must be filed and dealt with in the manner prescribed, as though the original application had not been made.

11. When the estimated amount has been paid, a note to that effect and the date of payment shall be entered in the place provided in the application for that purpose and the applicant required to sign the entry. The date on which the copy will be ready shall also be noted in the appropriate/column of the application form and a corresponding entry shall be made in the counterfoil of the application. The applicant shall retain the counterfoil and shall attend on the date fixed for the purpose of receiving the copy.

12. If and when it is ascertained that additional fees are necessary the amount thereof shall be immediately notified to the applicant and shall be putin within seven days of receipt of the notice.

13. When the applicant complies with Rule 12 a note should be made on the reverse of the counterfoil showing the additional amount and the date of payment as also the subsequent date fixed for delivery. This note shall be signed both by the applicant and by the Head Clerk.

14. Every copy must bear the signature of the copyist making it and the date on which the copy was completed. It must also bear the signature of the Clerk who examined the copy and the date on which such copy was examined.

15. In ordinary circumstances a copy shall be furnished not later than 1 P.M. on the third day after the necessary fee, or additional fee, has been put in.

15-A. If the applicant furnishes his address accompanied by a sufficient amount (in cash) to cover the cost of registration (A.D.), a copy may be sent to him by post.

15-B. A notice showing what copies are/ready for delivery shall be put up on the notice board at the close of each day.

16. Should the applicant fail to appear to claim the copy before the last day of the month succeeding that in which the copy was ready for delivery, or should he fail to putin the additional fee within the period prescribed in Rule 12 such copy shall be destroyed.

17. A certified copy shall bear the seal of the Tribunal and shall be "certified to be a true copy" and signed by an Officer empowered to do so by the Registrar. The Certifying officer shall append to his signature the words "authorised under Section 76 of Act I of 1872".

18. When a copy is granted, the following particulars shall be recorded on the back of the copy itself and in the form given below :—

(i) Date of application for copy,

(ii) Date of notifying the fee payable,

(iii) Date of deposit of fee,

(iv) Date on which copy was ready for delivery,

(v) Date of making over copy to applicant.

19. A Register shall be maintained in respect of application for copies in the prescribed form (Form No. XVI-appended to these Rules).

II. Inspection.

20. No record of any case shall be removed from the Tribunals/premises except under the order in writing of the Chairman, or of a Member or the Registrar, Deputy Registrar or Assistant Registrar.

21. Inspection of records shall only be allowed upon an application being made in the form prescribed for the purpose (Form No. XVII appended to these Rules), obtainable from the office of the Tribunal.

22. Every application for inspection shall specify the record or paper of which inspection is desired and the name of the person or persons by whom the inspection will be made.

23. No record or paper of any department shall be inspected by any person other than the Chairman, a Member or an Officer of the Tribunal, except upon an order in writing of the Chairman, a Member or Gazetted Officer of the Tribunal.

Provided that a party appearing in person in an appeal or other proceeding or a Legal practitioner appearing, for a party may, upon filing an application in the prescribed form, inspect a record in the room provided for the purpose without a formal order in writing obtained under this rule but in the presence of the officer nominated by the Registrar for the purpose of giving inspection;

NOTE.—Rules 19 to 23 and 24 of these Rules shall not apply to inspections made in Court under orders obtained from the Tribunal and in the presence of the Court Clerk.

24. A stranger to an appeal or other proceeding shall not be entitled as of right to inspect any record or document. He may, however, apply for an order to inspect such record or document, provided that he shall not be allowed to inspect exhibits put in evidence except with the consent of the person by whom they were produced or his successor in interest. Every such application shall be in the prescribed form (see Rule 21) and shall specify the paper or papers which it is desired to inspect and clearly state the reason for which inspection is sought.

25. Every application for inspection shall be made between the hours of 10-45 A.M. and 3-30 P.M. on a Court day and between the hours of 11 A.M. and 12 NOON on Saturdays.

26. Every order by which inspection is allowed shall state the name of the person who may make such inspection.

26. (*a*) No person inspecting a record or paper shall make any mark on, or in any respect mutilate, any record or paper which is being inspected.

(*b*) He may make short notes but shall on no account be allowed to make a copy or translation of any paper or record or to compare a copy of translation already made.

NOTE.—The words "short notes" in this rule mean such brief notes or memoranda with respect of the date and nature of the documents, names of parties, etc. as may be necessary to identify the document or record, in case a copy is required.

27. No one, other than the Chairman, a Member or a Gazetted Officer of the Tribunal, shall be allowed to inspect any Register of the Tribunal or of the Office except on an order in writing of the Registrar or other Gazetted Officer and in the presence of the officer whose duty it is to keep such Register.

III Information.

28. Applications for information shall be made by the parties or their representatives only, in the prescribed form (Form No. XVIII appended to these Rules), copies of which will be available in the Office of the Tribunal, and delivered to the Head Clerk.

29. On receipt of the application the Head Clerk shall, if the information is available, fill in the information both in the upper and lower halves of the form in their proper places.

If the information is not immediately available, the Head Clerk shall state in the appropriate place the date on which the applicant should call for the informa tion and shall make over the lower portion of the form to the applicant. Upon the applicant calling for the information on the date stated he shall supply the information in the appropriate place, and acknowledgment for the same being obtained on the upper portion of the form which shall be placed in Part II of the Tribunal's file of the case in respect of which the information was supplied.

30. Unless it is immediately available and supplied, information shall ordinarily be supplied on the next day after application.

NOTE.—(i) Information requiring any thing but short answers shall not be given. If an extract from the record or the substance of any order or decree or other document is desired, the proper course is to apply for a copy.

(ii) Defective applications and applications in which the information asked for cannot for any reason be given shall be rejected subject to the orders of the Registrar.

FORM No. XV.

Application for copy.

LABOUR APPELLATE TRIBUNAL OF INDIA.

Serial No.

Application for urgent / ordinary copy

Appeal / Application No. of 195

Appellant / Petitioner

Versus

Respondent / Opp. Party

Description of document of which a copy is wanted with date when necessary.

Application is made by....., the undersigned for certified copy of the marginally noted document from the Tribunals file in the above case which was disposed of on..... is still pending.

Date.....

Signature of the applicant.

Office Report

The copy will cover sheets.

Clerk

Head Clerk

To be

Estimate of Costs

.....
Applicant's signature.

.....
Record received on

.....
Copy will be ready on

.....
Copy actually read on

.....
Copy delivered on

Perforated.

Serial No.

Received on application for copy bearing the above number.

Estimated cost Rs. As.

To attend for copy on.....

Date

Head Clerk.

Received copy on.....

Applicant.

Note.—The application will not be considered as complete until costs have been supplied in full, which must be done within seven days of the date of the estimate. All enquiries and complaints shall be accompanied by this counterfoil. It will have to be given up when the copy is delivered.

FORM No. XVI.

Labour Appellate Tribunal of India.

Register of Applications for copy.

Serial Number	Date of receipt of application	Name of Applicant	Description of document	Copy fee assessed	Certifying fee assessed	Receipt Number and date of payment of fees	Copied by	Copy ready (date)	Copy delivered (date)	Remarks

FORM No. XVII.

Labour Appellate Tribunal of India.

S. No. and Date of application,

Application for inspection of the record in the undermentioned

Pending
———————case
Disposed of

Description of case	Number	Year	Description of the papers of which inspection is required	Name of person or persons who will inspect the record (not exceeding three including the Inspecting Advocate)

The 195 .

Signature of Applicant.

Note.—If the applicant is a stranger or a party appearing in person in a case, he must say so in the application and state the reason for which he seeks inspection.

FORM No. XVIII.

Labour Appellate Tribunal of India.

APPLICATION FOR INFORMATION.

Serial No.

*Re Appeal / Application ——— No. of 195 . State :

*1. Nature of Information required

*The 195 . Signature of Applicant.

2. Date when the applicant will call for the information :—

3. Office report *re*; information :—

The 195 . Signature of the officer supplying the information.

4. Information received on

The 195 . Signature of applicant.

(Perforated)

*Re Appeal / Application ——— No. of 195 .

5. Date by which information is to be ready.....

6. Information :—

Supplied on.....

Signature of officer supplying the information.

*To be filled in by the Applicant.

J. N. MAJUMDAR,
Chairman,
Labour Appellate Tribunal of India.

NOTIFICATION

No. L.S. 2718—LW. 167-51-3, dated Bangalore, 8th October 1951.

Whereas an industrial dispute exists between the Management and workers of the Minerva Mills, Ltd., Bangalore, in respect of matters specified in the schedule below;

And whereas in the opinion of His Highness the Maharaja of Mysore it is necessary to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act (Central Act XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Notification No. L. S. 1075 L.W. 68-51-2 dated 15th June 1951.

SCHEDULE.

1. (*a*) Rendering eight workers surplus by making certain changes in the machinery in the Blow-Room so that Cotton Feeders can feed cotton directly into the Hopper Feeder.

(*b*) Rendering twelve persons surplus by changing the existing system to one man to mind two scutchers.

2. Rendering two persons surplus by changing the system in the willow-room to two men for three machines.

3. (*a*) Rendering six persons as surplus by introducing a system of one card-tenter minding 12 cards.

(*b*) Rendering 22 persons as surplus by introducing a system of two men minding three heads of draw frames.

(*c*) Rendering 28 persons as surplus by introducing a system of working two Roving Frames by one tenderer working on finer than 2·2 hank.

4. Rendering 135 persons as surplus by introducing a system of two sides per piecer for counts 180 and above, and one side per piecer for counts below 19S and up to and inclusive of 12S.

5. Absorbing 18 male reelers and retrenching 83 women reelers by introducing a system of one reeler per reel (instead of two per reel at present) which will render 101 reelers surplus.

6. Workers when they are put on the new system referred to above, to be paid an addition of one-third of the basic wage of the present occupation except the Cotton feeders and Card tenters.

7. Discontinuance of the practice of payment of gratuity at intervals of ten years and to make the same payable when the worker leaves the service of the Mills.

8. Maternity benefit to be calculated according to the provisions of the Mysore Maternity Benefit Bct.

9. Discontinuance of the system of payment of half-yearly bonus.

10. Over-time payments to be made according to the provisions of the Factories Act.

11. Retirement of workers over 55 years of age by paying them 26 days' wages in lieu of notice under Standing Orders.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

No. L.S. 2721—L.W. 167-51-4, dated Bangalore, 8th October 1951.

Whereas an industrial dispute exists between the workers and the Management of the Minerva Mills Ltd., Bangalore, in respect of matters specified in the schedule below;

And whereas in the opinion of His Highness the Maharaja of Mysore it is necessary to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Notification No. L. S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

Demands of the workers of the Minerva Mills Ltd.

1. Increasing Basic minimum wage from ten annas (Re. 0-10-0) to Rs. 1-6-0 and consequential increase in rates of piece-work and other kinds of work.

2. Fixing Dearness Allowance for the entire month instead of for the number of days actually worked, the calculation being at four annas per point rise in the cost of living index above 100.

3. Increasing Night shift allowance to 25 per cent of the basic wage of each night shift worker.

4. Payment of a special allowance of annas four per day to the workers engaged in Chemical substances, in Dye-house, Mechanic shop, Blow-room, Boilers-house and Carding department.

5. Introduction of production Bonus in all departments.

6. Grant of a house-rent allowance of Rs. 5 per mensem to all employees in permanent service.

7. Payment of bonus calculated at 41-2/3 per cent of the pay and Dearness Allowance of the workers for the year 1949 and payment of such bonus even to workers who have worked only for a part of the said year and also those not now in service of the Company.

8. Increasing the half-yearly bonus from 10 per cent to 15 per cent of the basic wage and paying it to all workers, permanent as well as temporary, the arrears of bonus hitherto not paid to temporary workers being also paid to them.

9. Prescribing proper rules for the retrenchment and recruitment of workers.

10. Grant of long leave and payment of basic wages and allowances to workers suffering from Tuberculosis while under treatment.

11. Payment of a lumpsum compensation of Rs. 2,000 to employees suffering from Tuberculosis certified to be incurable.

12. Pay slip to contain certain particulars.

13. Providing work-dress to workers :

(1) In the Engineering Section, Bleach and Dye-house :
(2) Oilers in all departments :
(3) Beam Gaiters and Jobbers in the Weaving Section :
(4) Firemen and Boiler Coolies :
(5) Lorry Drivers and Truck Drivers :
(6) Workers of Mechanic and Electric Section :

14. Grant of a pension of one-third the basic wage last drawn *plus* half the current month's Dearness Allowance to all workers who are medically declared unfit or who retire at the age of 55 and in the alternative to pay compensation or gratuity at the rate of one month's pay for every year of service.

15. Providing facilities to Boiler Coolies and Firemen to bathe inside the Factory premises.

16. Providing suitable work to an employee who becomes incapable for a particular work on account of accident or sickness.

17. Management be required to intimate the Labour Association (Trade Union) regarding recruitment, discharge or dismissals etc., of employees.

18. Festival Holidays be increased from 10½ to 15 days in a year, holidays being selected in consultation with the Labour Association (Trade Union).

19. Management to make arrangement to supply raw materials to piece rated workers at their respective places.

20. Providing shoes and spectacles to the workers who deal with fire and acids

21. Management to bear the cost of materials supplied to the employees for the due discharge of their duty.

22. A worker acting in a higher grade to be given the pay and allowances of the higher grade.

23. Fixing piece-work rates for samples or new qualities in consultation with the representatives of the Labour Association or Trade Union.

24. Providing dining sheds to workmen.

25. Increasing the gratuity fund from 7½ per cent to 10 per cent of basic wage.

26. Grant of sick leave of 30 days with full pay and Dearness Allowance in a year to every worker, such leave to be accumulated up to 180 days.

27. Full wages and Dearness Allowance to be given to the worker who sustains injuries in any accident in the course of employment during the period of treatment, in addition to compensation, which he may be entitled to under the Workmen's Compensation Act.

28. Increasing privilege leave from 12 days to 15 days per year and reducing the number of days of work required to entitle to privilege leave from 270 to 230 days a year, the workers being also permitted to take as many days leave as they like at one time within the maximum allowed.

29. Canteens to be situated inside the Mills.

30. Average pay to be given to a worker in the piece-work department, in case machines stop working.

31. Cloth to be supplied to every worker at ex-mill rates (cost-price) for himself and his family on the basis of Ration Card.

32. Pay and Dearness Allowance to be given on played-off days.

33. Day and Night Shifts to be changed once a week.

34. Providing transport arrangements for transferring manufactured articles from the piece-work department to other departments instead of making piece-work employees do it.

35. Payment of annual increment of 4 per cent on the basic wage.

36. Honorary Members of the Association (Trade Union) to be permitted to visit the Mill.

37. Temporary workers to be absorbed in the permanent service of the Mill after a service of one year.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF MYSORE

No L.S. 2800—L.W. 172-51-2, dated Bangalore, 19th October 1951.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 6th day of October 1951.

I.C. No. 4 of 1950–51.

Present

CHAIRMAN.

Rajadharmaprasakta Dr. A. R. Nagesvara Iyer, B.A., B.L.,

MEMBER.

Rajadharmaprasakta Mr. T. Singaravelu Mudaliar, B.A. B.L.,

Kolar Brickmaking Company Labour Association, K.G.F.,

Versus.

Kolar Brickmaking Company Limited, K.G.F.

INTERIM AWARD.

The Government of Mysore by their Order No. L.S. 3147—L.W. 212-50-4, dated the 24th November 1950, have referred the dispute between the Kolar Brickmaking Company Limited and their workers represented by the Labour Association of the Company to this Tribunal. The points of dispute between them are mentioned in the said Notification. Notices were issued in the usual course to the parties concerned and they have filed statements setting out their respective cases in detail. Nine issues were framed after hearing the representatives of the parties to the dispute. They have also led evidence and the evidence is nearing completion.

2. At this stage, the parties came to a settlement in respect of some of the points which, according to the Government Order, fall for decision of the Tribunal and to-day they have filed a formal petition of compromise embodying the points over which settlement has been reached, and the Tribunal was requested to make an

Interim Award so far as these points are concerned. The compromise petition is as follows:—

I. (*a*) *Bonus for the year 1948.*—It is agreed that for the year 1948, 26 days' wages be paid as bonus to the workmen of the Company.

(*b*) Re: *Bonus for the year 1949* 13 days' wages be paid to the workmen of the Company as bonus.

II. *Dearness Allowance.*—Both sides agree that dearness allowance be paid to the workmen of the Company at a flat rate of Rs. 30 per mensem from 1st July 1951.

III. *Attendance Bonus.*—That in modification of the Attendance Bonus that was being paid, workmen getting wages up to Re. 0-10-0 a day be given attendance bonus at Rs. 1-8-0 per month; those getting between Re. 0-10-0 and Re. 1-0-0 be paid attendance bonus at Re. 2-0-0 per month and those getting above Re. 1-0-0 as wages per day be given Rs. 2-8-0 per month as attendance bonus. This will have effect from 1st July 1951.

The food subsidy that is being allowed to workmen will cease from 1st October 1951.

As prayed for by the parties we make an Interim Award in the terms set out in the compromise petition. The sums due to the workmen in accordance with this Award will be paid to them within one month from the date of the publication of the Award in the *Mysore Gazette.* The other issues arising in the case are being proceeded with and a final award will follow shortly.

A. R. NAGESVARA IYER,
Chairman.

T. SINGARAVELU MUDALIAR,
Member.

NOTIFICATION.

WHEREAS an industrial dispute between the Kolar Brickmaking Company Ltd., and the workmen employed in the said concern has been referred for adjudication under Clause (*c*) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, in Notification No. L.S. 3147—L.W. 212-50-4, dated 24th November 1950, in respect of matters specified therein, to the Industrial Tribunal, Bangalore, of which *Rajadharmaprasakta* Sri A. R. Nagesvara Iyer is the Chairman:

WHEREAS an Interim Award of the Tribunal in respect of the said dispute has been received:

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the said Act, His Highness the Maharaja of Mysore hereby directs that the said Award be published in the *Mysore Gazette*.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

ELECTION COMMISSION, INDIA.

Dated, New Delhi-1, the 16th October, 1951.

NOTIFICATION.

No. 32/1/51-Elec. II. (3). In exercise of the powers conferred by sub-rule (1) of rule 5 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the Election Commission hereby makes the following amendment in its Notification No. 32/1/51-Elec. II (2), dated the 8th September, 1951 :—

AMENDMENT.

To the list of symbols appended to the said notification the following shall be added :—

"26. A twig with two leaves."

P. S. SUBRAMANIAN,
Secretary.

NOTIFICATION.

No. S.D. 5025—C. 40-50-85, dated Bangalore, 17th October 1951.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946) read with the Government of India, Ministry of Works, Production and Supply Notification No. W.P.S. (P.D.)-505 (3)—B-X, dated 26th May 1951, empowering the Government of Mysore to make orders under Section 3 of the said Act in relation to Kerosene Oil, His Highness the Maharaja of Mysore is pleased to cancel with immediate effect, the Mysore Kerosene Control Order, 1948, issued in Notification No. S.D. 10065—C. 21-47-147, dated 8th June 1948.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS

No. T. 4143—RT. 183-50-6, dated Bangalore, the 4th October 1951.

In exercise of the powers conferred by Sections 3 and 4 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, (Mysore Act, XII of 1951) and in supersession of the Notifications and Rules issued or made under the Mysore Motor Vehicles and Road Traffic Act, 1944, in so far as they relate to levy of taxes on motor vehicles, His Highness the Maharaja of Mysore is hereby pleased to direct the levy of the following taxes on motor vehicles used or kept for use at the rates specified in respect of each vehicle from the year commencing on the 1st day of April 1951 :

Provided that the vehicle tax specified in Part-A may be paid for half-yearly periods at the rate of half the tax payable for the year.

PART—A.

THE VEHICLE TAX.

Class of Vehicles	Annual Tax		
	Rs.	as.	p.
1. Motor Cycles :—			
(a) Solo	22	8	0
(b) with side cars or tricycles ...	22	8	0
2. Invalid carriages ...	22	8	0
3. Motor cars, constructed or adapted to carry in all not more than seven persons including the driver :—			
(a) weighing not more than 15 cwts., unladen.	45	0	0
(b) weighing more than 15 cwts., unladen ...	84	0	0
4. (a) Motor cars constructed or adapted to carry eight persons or more including the driver.	90	0	0
(b) For heavy motor cars, *i.e.*, motor cars exceeding two tons in weight, unladen.	150	0	0
5. Goods vehicles used solely for purposes of agriculture.	90	0	0

PART—B.

THE ROAD TAX.

Class of Vehicles	Quarterly tax					
	Vehicles fitted with Pneumatic tyres on all wheels			Other Vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Good Vehicles without trailers :—						
(a) not exceeding 15 cwts., in weight laden.	34	0	0	51	0	0
(b) exceeding 15 cwts., but not exceeding 25 cwts., in weight, laden.	56	0	0	79	0	0
(c) exceeding 25 cwts., but not exceeding 30 cwts., in weight, laden.	79	0	0	101	0	0
(d) exceeding 30 cwts., but not exceeding 35 cwts., in weight, laden.	101	0	0	129	0	0
(e) exceeding 35 cwts., but not exceeding 50 cwts., in weight, laden.	127	0	0	169	0	0
(f) exceeding 50 cwts., but not exceeding 70 cwts., in weight, laden.	169	0	0	208	0	0
(g) exceeding 70 cwts., but not exceeding 100 cwts., in weight, laden.	197	0	0	254	0	0
(h) exceeding 100 cwts., but not exceeding 120 cwts., in weight, laden.	225	0	0	300	0	0
(i) exceeding 120 cwts., but not exceeding 150 cwts., in weight, laden.	250	0	0	350	0	0
(j) exceeding 150 cwts., but not exceeding 180 cwts., in weight, laden.	275	0	0	400	0	0
(k) exceeding 180 cwts., in weight, laden.	300	0	0	450	0	0
2. Additional tax payable in respect of the vehicles specified in paragraph 1 when used for drawing trailers :—						
(i) for each trailer not exceeding one ton in weight, laden.	67	8	0	96	0	0
(ii) for each trailer exceeding one ton in weight, laden.	140	0	0	169	0	0

the road—*concld.*

Class of Vehicles	Quarterly tax					
	Vehicles fitted with Pneumatic tyres on all wheels			Other Vehicles		
	Rs.	a.	p.	Rs.	a.	p.
3. *Goods Vehicles used for the carriage or haulage of goods and passengers.						

*(a) A tax as on a goods vehicle under items 1 and 2 above, having a weight which bears to the laden weight of the vehicle the same proportion as the floor area set apart for the carriage of goods, bears to the total floor area of the vehicle, together with,

(b) a service tax calculated at the rate specified in Part–C for every passenger which the vehicle is licensed to carry, and

(c) a mileage cess as on stage carriages under Part–D.

PART—C.

SERVICE TAX.

Class of Vehicles	Quarterly tax					
	Vehicles fitted with Pneumatic tyres on all wheels			Other vehicles		
	Rs.	a.	p.	Rs.	a.	p.
1. Motor cabs and other contract carriages other than those specified in paragraph 3 :—						
(a) licensed to carry in all not more than two persons.	15	0	0	22	8	0
(b) licensed to carry three persons.	22	8	0	33	12	0
(c) licensed to carry four persons.	60	0	0	90	0	0
(d) licensed to carry more than four persons, for every person whom the vehicle is so licensed to carry.	15	0	0	22	8	0
2. Stage carriages for every person, whom the vehicle is licensed to carry :—						
(a) plying on routes within the limits of the City of Bangalore, Mysore City, Kolar Gold Field, Sanitary Board, and Shimoga Town.	10	0	0	15	0	0
(b) plying on other routes.	7	8	0	11	4	0
3. Motor cabs and other contract carriages used for hire for a strictly limited purpose.	75	0	0	112	8	0

PART—D

MILEAGE CESS.

Class of Vehicles	Rate of tax.
1. Stage Carriages —	
(a) when plying on State Fund Roads, cement concreted or tarred—on ordinary permits as part of regular service.	One anna per mile.
(b) when plying on State Fund Roads, other than cement concreted or tarred roads, on ordinary permits. as part of regular service.	Eight pies per mile.
(c) when plying on roads other than those specified in (a) and (b) above on ordinary permits as part of regular service.	Seven pies per mile.
(d) when plying on any of the roads specified in (a), (b) and (c) above on special permits.	One and a half times the rates fixed in 1 (a), (b) and (c) above, as the case may be.
2. Contract Carriages — With seating capacity for more than six persons.	Do

PART—E.

(Taxes on motor vehicles belonging to, or in the possession and control of persons, not ordinarily residing in Mysore State and used or kept for use in Mysore State by such persons for periods shorter than the half-year or the quarter, as the case may be, but not exceeding thirty days at a time).

1. VEHICLE TAX.

Class of Vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days but not exceeding thirty days at a time.
	Rs. a. p.	Rs. a. p.
1. Motor Cycles—		
(a) Solo	1 14 0	5 10 0
(b) with side car or tricycles ...	2 10 0	7 8 0
2. Invalid carriages	1 14 0	5 10 0
3. Motor cars constructed or adapted to carry in all not more than seven persons including the driver—		
(a) weighing not more than 15 cwts., unladen.	4 8 0	13 2 0
(b) weighing more than 15 cwts., unladen.	6 6 0	18 12 0
4. Motor cars constructed or adapted to carry eight persons or more including the driver.	15 0 0	45 0 0

2. ROAD TAX.

Class of Vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days, but not exceeding thirty days at a time.
Goods Vehicles.	Rs. a. p.	Rs. a. p.
(a) not exceeding 15 cwts., in weight, laden.	6 12 0	13 8 0
(b) exceeding 15 cwts., but not exceeding 30 cwts., in weight, laden.	15 12 0	31 8 0
(c) exceeding 30 cwts., but not exceeding 50 cwts., in weight laden.	25 4 0	50 8 0
(d) exceeding 50 cwts., in weight, laden	56 4 0	112 8 0

3. SERVICE TAX.

Class of Vehicles	For periods not exceeding seven days at a time	For periods exceeding seven days but not exceeding thirty days at a time
Motor cars, stage and contract carriages—	Rs. a. p.	Rs. a. p.
For every person the vehicle is licensed to carry.	1 8 0	3 0 0

4. MILEAGE CESS.

Stage and Contract carriages with seating capacity for more than six persons.	One and a half times the rates fixed in 1 (*a*), (*b*) and (*c*) of Part-D.

The taxes levied under this Part are subject to the following conditions :—

(*i*) The 7-day license forms will bear the distinctive letter of the alphabet S.W. and the 30-day licenses the distinctive letters S.M. These licenses will be progressively numbered from 1 onwards.

(*ii*) The 7-day license will be printed on red paper and the 30-day license on badami or yellow paper.

(*iii*) For purposes of these licenses a day will count from 6 A.M. to 6 A.M. on the next day. Thus a 7-day license issued at 1 P.M. on the 20th October 1944 will be available till 6 A.M. on the 27th October.

(*iv*) No refunds are allowed on these licenses.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,
Local Self-Government Department.

No. L.S. 2717—L.W. 99-50-7, dated Bangalore, the 8th October 1951.

In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Highness the Maharaja of Mysore is pleased to make the following Rules, the same having been published as required by sub-section 1 of the said section.

The Industrial Disputes (Mysore) Rules, 1951.

1. (*1*) *Title and application.*—These rules may be called the Industrial Disputes (Mysore) Rules, 1951.

(*2*) They extend to the whole of the State of Mysore in relation to an industrial dispute referred to in section 2 (a) (ii) of the Act.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Industrial Disputes Act, 1947;

(*b*) "Chairman" means Chairman of a Board, Court, or Tribunal or if the Court or Tribunal consists of one person only, such person;

(*c*) "Committee" means a Works Committee constituted under sub-section (1) of Section 3 of the Act;

(*d*) "Form" means a form in the Schedule to these rules;

(*e*) "Government" means Government of Mysore;

(*f*) "Registered Trade Union" means a trade union registered under the Indian Trade Unions Act, 1926 (Central Act XVI of 1926) and includes an Association deemed to be registered under the said Act by Section 6 of the Part 'B' States (Laws) Act, 1951 (Central Act) III of 1951.

(*g*) "Section" means section of the Act;

PART I.

Procedure for reference of Industrial Disputes to Boards of Conciliation, Courts of Enquiry or Industrial Tribunals.

3. An application for the reference of an Industrial Dispute to a Board, Court or Tribunal under Section 10 (2) of the Act, shall be made in Form 'A' and shall be delivered personally or forwarded by registered post in

triplicate to the Secretary to Government, in charge of Labour Department. The application shall be accompanied by a statement seting forth :—

(a) The parties to the dispute,
(b) The specific matters in dispute,
(c) The total number of workmen employed in the undertaking affected,
(d) An estimate of the number of workmen affected or likely to be affected by the dispute,
(e) The efforts made by the parties themselves to adjust the dispute.

4. *Attestation of application.*—The application and the statement accompanying it shall be signed :—

(a) in case of an employer by the employer himself or when the employer is an incorporated Company or other Body Corporate, by the Agent, Manager or other Principal Officer of the Corporation ;
(b) in the case of workmen, either by the President, and Secretary of a registered trade union of the workmen, or by five representatives of the workmen duly authorised in this behalf at a meeting of the workmen held for the purpose.

PART II.

POWERS, PROCEDURE AND DUTIES OF CONCILIATION OFFICERS, BOARDS, COURTS AND TRIBUNALS.

5. *Notification of appointment of Tribunal.*—The appointment of a Tribunal together with the names of persons constituting the Tribunal shall be notified in the *Mysore Gazette.*

6. *Notice to parties to nominate representatives.*—

(1) If the Government proposes to appoint a Board, it shall send a notice in Form 'B' to the parties requiring them to nominate within the time fixed in the notice, persons to represent them on the Board.

(2) The notice to the employer shall be sent to the employer personally or if the employer is an incorporated Company or a Body Corporate, to the Agent, Manager or other Principal Officer of such company or body.

(3) The notice to the workmen shall be sent :—

(*a*) in the case of workmen who are members of a registered trade union to the President or Secretary of the registered trade union ;

(*b*) in the case of workmen who are not members of a registered trade union, to any one workman who has attested the application made under rule 3 ; and in this case a copy of the notice shall also be sent to the employer who shall display copies thereof on notice boards in a conspicuous manner at the main entrance to the premises of the establishment.

7. *Conciliation Proceedings.*—On receipt of information about an existing or apprehended industrial dispute, or where the dispute relates to a public utility service, on receipt of a notice of a strike or lock-out given under Rule 50 or Rule 51, the Conciliation Officer shall forthwith arrange to interview both the employer and the workmen concerned with the dispute at such places and at such time as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

8. The Conciliation Officer may hold a meeting of the representatives of both parties jointy or of each party separately.

9. The Conciliation Officer shall Conduct the proceedings expeditiously and in such manner as he may deem fit.

10. *Place and time of hearing.*—The sittings of a Board, Court or Tribunal shall be held at such times and places as the Chairman may fix and the Chairman shall inform the parties of the same in such manner as he thinks fit :

Provides that as far as possible the Board, Court or Tribunal shall sit at or near the place where the dispute or matter which is before it, arose.

11. *Quorum for Boards and Courts.*—The quorum necessary to constitute a sitting of a Board or Court shall be as follows :—

	Quorum
(1) in the case of a Board—	
Where the number of members is 3 ...	2
Where the number of members is 5 ...	3
(2) in the case of a Court—	
Where the number of members is not more than 2	1
Where the number of members is more than 2 but less than 5	2
Where the number of members is 5 or more.	3

12. *Administration of oath.*—Any member of a Board, Court or Tribunal may administer an oath.

13. *Evidence.*—A Board, Court or Tribunal may accept, admit or call for evidence at any stage of the proceedings before it and in such manner as it may think fit.

14. *Summons.*—A summons issued by a Board, Court or Tribunal shall be in Form 'C' and may require any person to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Board, Court or Tribunal which the Board, Court or Tribunal thinks necessary for the purpose of such investigation or adjudication.

15. *Service of Summons or Notice.*—Any notice, summons, process or order issued by a Board, Court or Tribunal may be served either personally or by registered post.

16. *Procedure at the first sitting.*—At the first sitting of a Board, Court or Tribunal, the Chairman shall call upon the parties in such order as he may think fit to state their case.

17. *Information to be kept Confidential.*—All books, papers and other documents or things produced before a Board, Court or Tribunal whether voluntarily or in pursuance of summons may be inspected by the Board, Court or Tribunal and also by such parties as the Board, Court or Tribunal allows; but the information obtained therefrom shall not except as provided in the Act, be made public; and such parts of the books, papers, documents or things as in the opinion of the Board, Court or Tribunal do not relate to the matters at issue may be sealed up.

18. *Board, Court or Tribunal may proceed exparte.*—If without good cause shown, any party to proceedings before a Board, Court or Tribunal fails to attend or to be represented, the Board, Court or Tribunal may proceed as if he had duly attended or had been represented.

19. *Power of Entry and Inspection.*—A Board, Court or Tribunal or any member thereof or any other person authorised in writing by a Board, Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Board, Court or

Tribunal under the Act, at any time between the hours of sunrise and sunset, and in the case of a person authorised in writing by a Board, Court or Tribunal after he has given reasonable notice, enter any building, factory, workshop or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject matter of the investigation, enquiry or adjudication.

20. *Power of Boards, Courts and Tribunals.*—In addition to the powers conferred by sub-section (3) of Section 11 of the Act, Boards, Courts and Tribunals shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

(*a*) discovery and inspection;

(*b*) granting adjournment;

(*c*) reception of evidence taken on affidavit; and

the Board, Court or Tribunal may summon and examine *sou motu* any person whose evidence appears to it to be material.

21. *Decision by majority.*—All questions arising for decision at any meeting of a Board, Court or Tribunal, save where the Court or Tribunal consists of one person shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

22. *Correction of errors.*—The Tribunal may correct any clerical mistake or error arising from an accidental slip or omission in any award it issues.

23. *Right of representatives.*—The representatives of the parties, appearing before a Board, Court or Tribunal shall have the right of examination, cross-examination and re-examination and of addressing the Board, Court or Tribunal when all evidence has been called.

24. *Proceedings before a Board.*—The proceedings before a Board shall be held in public:

Provided that the Board may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

PART III.

REMUNERATION OF MEMBERS OF BOARDS, COURTS AND TRIBUNALS, ASSESSORS AND WITNESSES AND ESTABLISHMENTS.

25. *Travelling Allowance.*—A member of a Board, Court or Tribunal, if a non-official shall be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible and subject to the conditions applicable to a Government servent of First Grade under the Mysore Service Regulations and if he is retired Judge of the High Court or a District Judge he is entitled to draw Travelling Allowance and Daily Allowance admissible to a Judge of the High Court or a District Judge in Service.

26. *Fees.*—The Chairman and members of a Board, Court or Tribunal and the assessors appointed to assist a Court or Tribunal shall be granted such fees as may be sanctioned by the Government.

27. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Board, Court or Tribunal shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil courts in the Mysore State.

28. *Establishment.*—The Government may appoint a Secretary to the Board, Court or Tribunal and such other staff as it may think necessary and may fix the salaries and allowances payable to them.

PART IV.

29. *Parties bound by acts of representatives.*—A party appearing by a representative shall be bound by the acts of that representative.

PART V.

WORKS COMMITTEES.

30. *Constitution.*—Any employer to whom an order made under sub-section (1) of Section 3 relates shall fortwith proceed to constitute a Works Committee in the manner prescribed in this part.

31. *Number of Members.*—The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shop or departments of the establishment :

Provided that the total number of members shall not exceed twenty ;

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

32. *Representatives of the employer.*—Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall as for as possible, be officials in direct touch with or associated with the working of the establishment.

33. *Consultation with the Registered Trade Union.*—Where any workmen of an establishment are members of a registered Trade Union, the employer shall ask the Trade Union to inform him in writing :—

(*a*) how many of the workmen are members of the Trade Union ; and

(*b*) how their membership is distributed among the sections, shops or departments of the establishment.

34. *Groups of workmen's representatives.*—On receipt of the information called for under Rule 33, the employer shall provide for the election of workmen's representatives on the Committee in two groups :—

(1) those to be elected by the workmen of establishment who are members of the Trade Union or Trade Unions ;

(2) those to be elected by the workmen of the establishment who are not members of such Trade Union or Trade Unions bearing the same proportion to each other as the Trade Union members in the establishment bear to the non-members :

Provided that where more than half the workmen are members of a Trade Union, no such division shall be made.

35. *Electoral Constituencies.*—Where under rule 34, the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of the Trade Union and the other of those who are not :

Provided that the employer may, if he thinks fit, sub-divide the two electoral constituences and direct that workmen shall vote in either by groups, sections, shops or departments.

36. *Qualification of Candidates for Election.*—Any workmen of not less than 19 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules, be a candidate for election as a representative of the workmen on the committee :

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

37. *Qualifications for voters.*—All workmen, other than casual employees, who are not less than eighteen years of age and who have put in not less than six months' service in the establishment shall be entitled to vote in the election of representatives of workmen.

38. *Procedure for Election.*—(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the committee.

(2) For holding the election the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the Trade Union or Trade Unions concerned; such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the member of the Trade Union or Trade Unions and by the non-members.

(4) A copy of which notice shall be sent to the Trade Union or Trade Unions concerned.

39. *Nomination of Candidates for Election.*—(1) Every nomination shall be made on a nomination paper in Form 'H' copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper must be signed by the candidate to whom it relates and attested by at least two

other voters belonging to the electoral constituency and shall be delivered to the employer.

40. *Scrutiny of Nomination Papers.*—(1) On the day following the last day fixed for filling the nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (*a*) the candidate nominated is ineligible for membership under rule 36 or (*b*) the requirements of rule 39 have not been complied with.

41. *Voting in Election.*—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and if any of the workmen concerned belong to a Trade Union, by such of them as the Trade Union, may nominate.

42. *Arrangements for Election.*—The employer shall be responsible for all arrangements in connection with the election.

43. *Officers of the Committee.*—(1) The Committee shall elect office bearers, including one Chairman, one Vice-Chairman and two Joint Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employers' representatives on the Committee.

(3) The Vice-Chairman shall be elected by the Committee from amongst the workmen representatives on the Committee.

(4) The two Joint Secretaries shall be elected by the Committee from amongst the representatives of the employer and of the workmen, respectively.

44. *Term of Office.*—(1) The term of office of a workmen's representative on the Committee other than a

member chosen to fill a casual vacancy, shall be two years.

(2) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

45. *Vacancies.*—In the event of a workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership on the Committee, his successor shall be elected from the constituency to which the member vacating the seat belonged.

46. *Power to Co-opt.*—The Committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

47. *Number of Meetings.*—The Committee may meet as often as necessary but not less often than once a month.

48. *Facilities for meeting, etc.*—The employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee.

PART VI.

49. *Memorandum of Settlement.*—The memorandum of settlement to be submitted by the Conciliation Officer—Board of Conciliation—shall be in Form 'D'.

50. *Notice of Strike.*—(1) The notice of strike to be given to the employer by employees in a public utility service shall be Form 'E'.

(2) On receipt of a notice of strike under sub-rule (1), the employer shall forthwith intimate the fact to the appropriate Conciliation Officer.

51. *Notice of Lock-out.*—The notice of lock-out to be given by an employer carrying on a public utility service shall be in Form 'F'.

52. *Report of Lock-out or Strike.*—The report of a lock-out or strike in a public utility service to be submitted by the employer under sub-section (3) of Section 22, shall be in Form 'G'.

53. *Report of Notice of Srike or Lock-out.*—The report of notice of a strike or lock-out to be submitted by the employer under sub-section (6) of Section 22 shall be sent by registered post or given personally to the Conciliation Officer, appointed for the local area concerned, with a copy by registered post to the Secretary to Government of Mysore, Bangalore, in charge of Labour Department.

54. *Penalties.*—Any breach of these rules shall be punishable with fine not exceeding fifty rupees.

SCHEDULE.

FORM 'A'.

(See Rule 3)

Form of application under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a Board of Conciliation/Court of Enquiry/Industrial Tribunal.

Whereas an industrial dispute is apprehended/exists between ... . and ..... and it is expedient that the matters specified in the enclosed statement which are connected with or relevant to the dispute/the dispute should be referred for investigation and settlement/enquiry/adjudication, by a Board of Conciliation/a Court of Enquiry/an Industrial Tribunal/an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, that the said matters/said dispute/should be referred to a Board of Conciliation/a Court of Enquiry/an Industrial Tribunal.

This application is made by the undersigned who have/has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the ..... held on the ..... 19 .

A statement giving the particulars required under Rule 3 of the Industrial Disputes (Mysore) Rules, 1951 is attached.

Dated the.....195 . *Signature of Applicant (s).*

To

The Secretary to the Government of Mysore,
in charge of Labour Department.

Statement required under Rule 3 of the Industrial Disputes (Mysore) Rules, 1951, to accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 :—

(*a*) Parties to the dispute.
(*b*) Specific matters in dispute.
(*c*) Total number of workmen employed in the undertaking affected.
(*d*) Estimate of the number of workmen affected or likely to be affected by the dispute.
(*e*) Efforts made by the parties themselves to adjust the dispute.

FORM "B"

[*See Rule (6).*]

Whereas an industrial dispute has arisen/is apprehended between ..... and it is expedient to refer the said dispute under Section 10 of the Industrial Disputes Act, 1947, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the .... the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified above, the Government will select and appoint such person(s) as it thinks fit to represent you.

.....

Secretary to Government,
in charge of Labour Department.

FORM 'C'.

(*See Rule 14*).

Whereas an industrial dispute between.....and .... has been referred to ..... Board of Conciliation for/investigation and settlement..... this Court of enquiry for investigation under Section 10 of the Industrial Disputes Act, 1947, you are hereby summoned to appear before the Industrial Tribunal for adjudication / Board / Court / Tribunal in person on the ..... day of.....at..... o'clock in the .....NOON to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Board / Court / Tribunal.

Dated ... . 195 .

Chairman/Secretary, Board of Conciliation / Court of Enquiry / Industrial Tribunal

FORM 'D'

(*See Rule 49.*)

Form of Memorandum of Settlement.

Names of parties.....

Representing employer .....

Representing employees.....

Short recital of case,
Terms of agreement,
Signature of parties.

Signature of Conciliation Officer. / Board of Conciliation.

FORM 'E'.

(*See Rule 50*).

Form of notice of strike to be given by employee(s) in a public utility service.

Name of Association .....

Names of elected representatives of employees where no Registered Trade Union exists. .....

Address.

Dated the ..... day of ..... 195 .

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of Section 22 of the Industrial Disputes Act, 1947, I/We hereby give you notice that I propose to call a strike/we propose to go on strike on 195 , for the reasons explained in the annexe.

Yours faithfully,

Secretary of the Trade Union.

Representatives of the employees elected at a meeting held on .....

ANNEXE.

Statement of the Case.

FORM 'F'.

(*See Rule 51*).

Form of notice of lock-out to be given by an employer carrying on a public utility service.

Name of employer .....

Address .....

Dated the ..... day of ..... 195 .

To

(The Secretary of the Registered Association, if any)

Dear Sir,

In accordance with the provision of sub-section (2) of Section 22 of Industrial Disputes Act, 1947, I/We hereby inform you that it is my/our intention to effect a lock-out with effect from ..... for the reasons explained in the annexe.

Yours faithfully,

(*) ....

* Here insert the position which the person who signs this letter holds with the employer issuing this letter.

ANNEXE.

Statement of the case,

FORM 'G'.

(*See Rule 52*).

Form of Report of Strike or Lock-out in a public utility service.

Information to be supplied in this Form immediately on the occurrence of a strike or lock-out in a public utility service to the Conciliation Officer concerned.

Name of the undertaking	Station and District	Normal working strength	Nuuber of workers involved		Strike or lock-out	Date of commencement of strike or lock-out	Cause	Was notice of strike or lock-out given, if so, on what date and for what period?	Is there any permanent agency or agreement in the undertaking for the settlement of disputes between the employer and workmen? If any exists, particulars thereof	Any other information.
			Directly	Indirectly						
1	2	3	4	5	6	7	8	9	10	11

NOTE.—Column (3) Gives the average number of workmen employed during the month previous to the day on which the strike or lock-out occurred. While reckoning the average, omit the days on which the attendance was not normal for reason other than individual reasons of particular workmen. Thus days on which strike or lock-out occurs or communal holiday is enjoyed by a large section or workers should be omitted.

Column (4) If say, 200 workers in a factory strike work and in consequence the whole factory employing 1,000 workers has to be closed then 200 should be shown under "directly" and remaining under "indirectly". If the strike of 200 workers does not affect the working of the other departments of the factory, the number of workers of involved would only be 200, which figures should appear under "directly" and column "indirectly" would be blank.

Column (8) Gives the main causes of the dispute as well as the immediate cause that lead to the strike or lock-out.

FORM 'H'.

(*See Rule 39*).

Form of Nomination Paper,

Name of Industrial Establishment	Group/Section/Shop/Department

I nominate .....

(Here enter the name of the workmen's representative eligible for

.....

for election ..... as a candidate for election to the Works Committee.

Signature of Proposer.

Date ..... 195 .

I agree to the proposed nomination.

Signature of Candidate.

Date ..... 195 .

(1) Attested by: } To be signed by any two voters belonging
(2) } to the electoral constituency.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

S. R. No. 4097—J. S. 5-51-2, dated Bangalore, 19th October 1951.

In exercise of the powers conferred by sub-section (2) of Section 244-B of the Indian Companies Act, and entrusted to the State Government under Notification No. S. R. 761, dated 23rd May 1951, issued by the Government of India, Ministry of Finance (Department of Economic Affairs), His Highness the Maharaja is pleased to appoint the Registrar of Joint-Stock Companies in Mysore, to be the Officer for the purpose of the said Section and to prescribe the following form in which the statement under the said sub-section shall be furnished:—

FORM OF ACCOUNTS.

In the matter of the Indian Companies Act, 1913.

In the matter of.....limited

Amount paid into Company's Liquidation Account (Total of Col. 2) Rs.....Date of payment.....

Particulars of the statement filed under sub-section (1) of Section 244 in which the amount paid was indicated, and date of filing the statement.....

Name and last known address of persons entitled to participate in the amount paid.	Amount to which each person mentioned in Column 1 is entitled	Nature of sums included in the amount paid (state whether unclaimed dividend payable to creditors or undistributed assets refundable to contributories.	Nature of claim of each person mentioned in Column 1	Date when each amount mentioned in Column 2 became payable or refundable.	Remarks
1	2	3	4	5	6

Date..... *Signature* *Liquidator.*

Address

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.

No. A.F. 6653—Mart. 13-51-15, dated Bangalore, 22nd October 1951.

In exercise of the powers conferred by Section 4 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to declare that with effect from 15th October 1951, Ramanagaram Town Municipal limits shall be a "Market" established under the said Act for the Agricultural Produce, namely, "Cocoons" (Sericulture).

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture
Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, WEDNESDAY, OCTOBER 24, 1951

PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. E.B. 3757—Eln. 96-51-1, dated Bangalore, 24th October 1951.

Ordered that the Delimitation of Council Constituencies (Mysore) Order, 1951, as modified by Parliament, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 19th September 1951.

S.R.O. 1416.—The following Order made by the President is published for general information :—

THE DELIMITATION OF COUNCIL CONSTITUENCIES (MYSORE) ORDER, 1951.

In pursuance of section II of the Representation of the People Act, 1950 (XLIII of 1950), the President is pleased to make the following Order, namely :—

1. This Order may be called the Delimitation of Council Constituencies (Mysore) Order, 1951.

2. The constituencies into which the State of Mysore shall be divided for the purpose of elections to the Legislative Council of the State from (*a*) the graduates' constituency, (*b*) the teachers' constituency and (*c*) the local authorities' constituencies in the said State, the extent of each such constituency and the number of seats allotted to each such constituency shall be as shown in the following table :—

TABLE.

Name of Constituency	Extent of Constituency	No. of Seats
	Graduates' Constituency	
Mysore (Graduates) ...	Entire State ...	3
	Teachers' Constituency	
Mysore (Teachers) ...	Entire State ...	3
	Local Authorities' Constituencies	
Kolar (Local Authorities) ...	District of Kolar including Kolar Gold Fields.	2
Tumkur (Local Authorities) ...	District of Tumkur ...	1
Bangalore (Local Authorities) ...	District of Bangalore including Bangalore City.	2
Mandya (Local Authorities) ...	District of Mandya ...	1
Mysore (Local Authorities) ...	District of Mysore including Mysore City.	2
Hassan (Local Authorities) ...	District of Hassan ...	1
Chikmagalur (Local Authorities) ...	District of Chikmagalur ...	1
Shimoga (Local Authorities) ...	District of Shimoga ...	1
Chitaldrug (Local Authorities) ...	District of Chitaldrug including Davangere City.	2

[F. 86 (7)/51-C.]

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

Registered No. M. 1175.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. E.B. 3756—Eln. 95-51-1, dated Bangalore, 22nd—24th October 1951.

Ordered that Notifications No. F. 134—51-C, dated the 5th October 1951, and No. F. 10-51-C, dated the 5th October 1951, of the Ministry of Law amending the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, and the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, respectively, published in the *Gazette of India*, dated the 5th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 5th October 1951.

S.R.O. .—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, hereby makes the following further amendment in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, namely:—

In sub-rule (2) of 20 of the said Rules, the words "at any time after the roll is finally published and before the constituency is called upon to elect" shall be omitted.

(No. F. 10—51-C.)

K. V. K. SUNDARAM, *Secretary.*

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 5th October 1951.

S.R.O. .—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely,—

1. In clause (*a*) of rule 40 of the said Rules,—

   (*a*) for the words "by such officer" the words "either by such officer" shall be substituted;

   (*b*) the words "or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified" shall be added at the end.

2. In clause (*a*) of rule 67 of the said Rules,—

   (*a*) for the words "by such officer" the words "either by such officer" shall be substituted;

   (*b*) the words "or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified" shall be added at the end.

3. In Schedule I to the said Rules,—

   (*a*) in Form 11, in clause (*a*) of paragraph 4 under the heading "Instructions"—

   (i) for the words "by such officer" the words "either by such officer" shall be substituted; and

   (ii) the words "or by a magistrate" shall be added at the end;

   (*b*) in Form 18, in clause (*a*) of paragraph 5 under the heading "Instructions"—

   (i) for the words "by such officer" the words "either by such officer" shall be substituted;

   (ii) the words "or by a magistrate" shall be added at the end.

(No. F. 134—51-C.)

K. V. K. SUNDARAM, *Secretary.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, NOVEMBER 1, 1951 [No. 43

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS, UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1451—Legis. 5-51-56, dated Bangalore, 23rd October 1951.

Ordered that Notification No. S.R.O. 387, dated the 15th September, 1951 of the Ministry of Defence amending the Territorial Army Rules, 1948, published in the *Gazette of India*, Part II, Section 4 dated the 15th, September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

PART II—Section 4

Statutory Rules and Orders issued by the Ministry of Defence.

MINISTRY OF DEFENCE

New Delhi, the 15th September 1951.

S. R. O. 387.—In exercise of the powers conferred by section 14 of the Territorial Army Act, 1948 (LVI of 1948), the Central Government hereby directs that

the following amendment shall be made in the Territorial Army Rules, 1948, namely :—

For clauses (b) and (c) of Rule 19 of the said Rules, the following clauses shall be substituted, namely :—

"(b) Every member of an urban unit shall be liable to undergo recruit training for a period of 32 days, during which period he may be embodied for not less than four consecutive days. This embodied period may, however, be extended up to a maximum of fourteen consecutive days in all, provided that in so far as the additional period beyond the initial period of four days is concerned, the individual volunteers and obtains the written consent of his employer, if any. The annual musketry course as laid down in the Regulations may be fired at any time during the period the person is embodied.

(c) Every member of an urban unit shall be liable for the purpose of firing the annual musketry course to be embodied for one day in the year in addition to the period prescribed in clause (b). Such periods of embodiment shall only take place on Sundays or other recognised holidays.

(d) The Officer Commanding any unit may exempt either wholly or in part from liability to undergo recruit training any person who has in his opinion undergone adequate military training in the regular forces or otherwise."

(Case No. 47027/GS/TA-2).

H. M. PATEL,
Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L.S. 2820—L.W. 173-51-2, dated 20th October 1951.

The draft of the following rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936, (Central Act IV of 1936) and in supersession of the Mysore Payment of Wages (Procedure) Rules, 1948, issued in Notification No. L. S. 384—L. W. 141-47-6, dated 12th August 1949, is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (5) of the said section.

2. Notice is hereby given that the draft will be taken into consideration after three months from the date of publication of these rules in the *Mysore Gazette*.

3. Objections or suggestions, if any, to the draft rules may be forwarded to the Secretary to Government, Law Department, through the Commissioner of Labour in Mysore, Bangalore, within the said period for consideration. Objections or suggestions received thereafter will not be considered.

DRAFT RULES.

1. These rules may be called the "Mysore Payment of Wages (Procedure) Rules, 1951". **Short title.**

2. In these rules, unless there is anything repugnant in the subject or context— **Definition.**

(*a*) "the Act" means the Payment of Wages Act, 1936 (Central Act IV of 1936);

(*b*) "appeal" means an appeal under Section 17;

(*c*) "the Authority" means the authority appointed under sub-section (1) of section 15;

(*d*) "the Court" means the court mentioned in sub-section (1) of section 17;

(*e*) "employer" includes the persons responsible for the payment of wages under section 3;

(*f*) "section" means a section of the Act;

(*g*) "form" means a form appended to these rules;

(*h*) words and expressions used in these rules but not defined, shall be deemed to have the same meaning as in the Act.

Form of application.

3. Applications under sub-section (2) of section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B, or Form C as the case may be, one copy of which shall bear such court-fee as is prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951.

Authorisation

4. The authorisation to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

Permission to appear.

5. Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which, in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

Presentation of document.

6. (1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during the hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed on each document, the date of the presentation or receipt, as the case may be.

Refusal to entertain application.

7. (1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that—

(*a*) the applicant is not entitled to present an application, Or

(*b*) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15, Or

(*c*) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been rectified the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of section 15.

Appearance of parties.

8. (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *exparte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application:

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the applicant re-heard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for re-hearing.

Record of proceedings.

9. (1) The Authority shall in all cases enter the particulars indicated in Form F and the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

Signature on forms.

10. Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Exercise of powers.

11. In exercising the powers of a Civil Court conferred by section 18, the Authority shall be guided in respect of procedure by the relevant orders of the First Schedule to the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter

before him, and save where they conflict with the express provisions of the Act or these rules.

Appeals.

12. (1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the court-fee prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction.

(2) When an appeal is lodged, a notice shall issue to the respondent in Form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary may confirm, vary, or set side the direction from which the appeal is preferred, and shall make an order accordingly.

Inspection documents.

13. Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filled with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of the fees fixed under rule 21 of the Mysore Payment of Wages Rules, 1951.

FORM 'A'

Form of individual Application.

(See sub-section (2) of section 15 of the Payment of Wages Act).

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No. .... of 195 .

Between A. B. C. ..... Applicant.

(through a legal practitioner),

an official of

Which is a registered Trade Union.

And X. Y. Z. .... Opposite party.

The applicant states as follows :—

1. A. B. C. is a person employed in/on the .....
Factory/Industrial establishment entitled .....
and resides at .....

The address of the applicant for the service of all notices and processes is.....

2. X. Y. Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is ....

3. (1) The applicant's wages have not been paid for the following wage period (s) (give dates)
Or a sum of (amount) has been unlawfully deducted from his wages of (amount) for the wage period (s) which ended on (give date/s).

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of the relief sought by him at the sum of rupees ....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(*a*) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner, or official of Registered Trade Union duly authorised.

FORM B.

FORM OF GROUP APPLICATION.

(*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act.)

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No.....of 195 .

Between A. B. C. and (state the number) others, applicants; (through a legal practitioner/an official of which is a registered Trade Union).

And X. Y. Z. Opposite party.

The applicants state as follows :—

1. The applicants whose names appear in the attached schedule are persons employed in/on the factory/industrial establishment entitled.....

The address of the applicants for the service of all notices and processes is.....

2. X. Y. Z., the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is .....

3. The applicants' wages have not been paid for the following wage period(s) :—

4. The applicants estimate the value of the relief sought by them at the sum of rupees.....

5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for :—

(*a*) Payment of the applicants' delayed wages as estimated..... Or such greater or lesser amount at the Authority may find to be due .....

(*b*) Compensation amounting to.....

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a registered trade union duly authorised.

SCHEDULE.

Names of Applicants.

1. .....
2. .....
3. .....
4. .....

FORM C.

Form of Application by an Inspector or persons permitted by the Authority or authorised to act.

(*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act).

In the Court of the Authority appointed under the Payment of Wages Act, for..... .....area.

Application No. ... . of 195 .

Between A. B. C., (designation) (an Inspector under the Payment of Wages Act) (or a person permitted by the Authority, authorised to act under sub-section (2) of section 15)..... .....Applicant.

And X.Y.Z., the Opposite party.

The applicants states as follows :—

1. X. Y. Z., the opposite party is the person responsible under the Act for the payment of wages to the following person(s) :—

(1) .....
(2) .....
(3) .....

2. His address for the service of all notices and processes is.....

3. The wages of the said person (s) due in respect of the following wage period (s) have not been paid/have been subjected to the following illegal deductions :—

4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs:.... .....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(*a*) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to .....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature

FORM D.

CERTIFICATE OF AUTHORISATION.

I/We, employed person(s) hereby authorise a legal practitioner/an official of ..... which is a registered trade union to act on my/our behalf under section 15, and section 17 of the Payment of Wages Act (IV of 1936) in respect of the claim against.....on account of the delay in payment of/illegal deductions from my/our wages.

Witnesses (1)	Signature(s) (1) .....
(2)	(2) .....
(3)	(3) .....
(4)	(4) .....

I accept the authorisation.

Signature.

Legal Practitioner/Official of a Registered Trade Union.

FORM E.

NOTICE FOR THE DISPOSAL OF APPLICATION.

To .....

.....

.....

WHEREAS under the Payment of Wages Act, 1936, (Central Act IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on day of .....195 , at o'clock in the forenoon to answer the claim ; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day abovementioned, the application will be heard and determined in your absence.

Given under my hand and seal, this.....day of.....195 .

(Seal) Authority

FORM F.

RECORD OF DIRECTION.

(1) Serial Number.
(2) Date of application.
(3) Name or names, parentage address or addresses of the applicants, or some, or all of the applicants belonging to the same unpaid group.
(4) Name and address of the employer.
(5) Amount claimed :—
(a) as delayed wages ; Rs.
(b) as deducted from wages ; Rs.
(6) Plea of the employer and his examination (if any) :—
(7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor :—

Rs.

(8) Amounts awarded :—
(a) Delayed wages.
(b) Deducted wages.
(9) Compensation awarded.
(10) Penalty imposed.
(11) Costs awarded to :—
(i) Court fee charges.
(ii) Pleader's fee.
(iii) Witnesses expenses.

Signed.....
Dated.....

Note.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G.

Notice to Respondent of the day fixed for the hearing of the Appeal under Section 17 of the Payment of Wages Act, 1936.

Appeal from the decision of the Authority for the area, dated..... day of .....195.

Respondent.

To

Take notice that an appeal of which a copy is enclosed from the decision of the Authority for.....area has been presented by X. Y. Z. (and others), and registrered in this Court, and that the .....day of.....195 , has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this day..... ..... of .....195 .

Judge.

(Seal of the Court).

.....

By Order of His Highness the Maharaja,

No. L.S. 282—L.W. 178-51-3, dated 20th October 1951.

The draft of the following rules which it is proposed to make in exercise of the powers conferred by sub-section (2) of Section 26 of the Payment of Wages Act, 1936 (Central Act IV of 1936) and in supersession of the Mysore Payment of Wages Rules, 1948, issued in Notification No. L. S. 382—L.W. 141—47-5, dated 12th August 1949, is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (5) of the said Section.

2. Notice is hereby given that the draft will be taken into consideration after three months from the date of publication of these rules in the *Mysore Gazette*.

3. Objections or suggestions, if any, to the draft rules may be forwarded to the Secretary to Government, Law Department, through the Commissioner of Labour in Mysore, Bangalore, within the said period for consideration. Objections or suggestions received thereafter will not be considered.

Draft rules under the Payment of Wages (Central) Act, 1936.

Title.

1. These rules may be called the "Mysore Payment of Wages Rules, 1951".

Definition.

2. In these rules, unles there is anything repugnant in the subject or context :—

(*a*) "the Act" means the Payment of Wages Act, 1936, (Central Act IV of 1936);

(*b*) "the Authority" means the authority appointed under sub-section (1) of Section 15 of the Act;

(*c*) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of Section 10 of the Factories Act, 1948 (Central Act LXIII of 1948);

(*d*) "the Court" means the court mentioned in sub-section (1) of Section 17 of the Act;

(*e*) "deduction for breach of contract" means a deduction made in accordance with the provision of the proviso to sub-section (2) of Section 9;

(*f*) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of Section 7;

(*g*) "Employer" includes the persons responsible for the payment of wages under section 3 of the Act;

(*h*) "Form" means a form appended to these rules;

(*i*) "Inspector" means the Inspector authorised by or under Section 14 of the Act;

(*j*) "person employed" does not include any person to the payment of whose wages the Act does not apply;

(*k*) "section" means a section of the Act;

(*l*) "words and expressions used in these Rules but not defined, shall be deemed to have the same meaning as in the Act.

Register of fines.

3. (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, the employer shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

Register of deductions for damage or loss

4. In every Factory in which deductions for damage or loss are made the employer shall maintain the Register required by sub-section (2) of Section 10 in Form II.

Register of Wages.

5. A Register of Wages shall be maintained in every Factory and may be kept in such form as the employer finds convenient but shall include the following particulars:—

(*a*) the gross wages earned by each person employed for each wage period;

(*b*) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of Section 7 under which the deduction is made;

(*c*) the wages actually paid to each person employed for each wage period and the date of payment;

Maintenance of registers.

6. The registers required by rules 3, 4, 5 and 17 shall be preserved by the employer for twelve months after the date of the last entry made in them.

If maintained in any language other than Kannada, a true translation thereof in English shall be maintained.

Weights, Measures and Weighing Machines.

7. All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory shall be examined in accordance with the provisions of the Mysore Weights and Measures Act, 1902. If an Inspector considers that any action should be taken under the said Act, or the rules made thereunder, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act for necessary action.

Notice of dates of payment.

8. The employer shall display, in a conspicuous place at or near the main entrance of the factory, a notice in English and in the language of the majority of the persons employed therein showing the days on which wages are to be paid.

Prescribed authority.

9. The Chief Inspector of Factories shall be the authority competent to approve under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of Section 8, the purposes to which the proceeds of fines shall be expended.

Application in respect of fines.

10. Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9 :—

(*a*) a list, in English, in duplicate, clearly defining such acts and omissions;

(*b*) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing, by virtue of office, such of his subordinates as may pass orders imposing fines and the class of establishment on which any such subordinate may impose fine.

Approval of lists.

11. The authority appointed under rule 9 on receipt of the lists prescribed in the sub-rule (a) of rule 10 may,

after such enquiry as he considers necessary, pass orders either :—

(*a*) disapproving the list,

(*b*) approving the list either in their original form or as amended by him, in which case such list shall be considered to be approved list :

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

Posting of list.

12. The employer shall display at or near the main entrance of the factory a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

Persons authorised to impose fines.

13. No fine may be imposed by any person other than an employer, or a person holding an appointment named in the list referred to in clause (b) of rule 10.

Procedure of imposing fines and deductions.

14. Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

Information to employer.

15. The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is an employer) at once inform the employer of all particulars necessary for the completion of the register prescribed in Rule 3 or Rule 4, as the case may be.

Deductions for breach of contract.

16. (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from wages of any employed person unless :—

(*a*) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment ; and

(i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less ; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(*b*) this rules has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(*c*) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (*c*) of sub-rule 2, no such deduction shall be made from any person who has complied with the conditions.

Advances

17. (1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalments shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the re-payments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances under sub-rule (1) shall not exceed six and one-fourth per cent per annum.

Annual Return.

18. The employer shall send a return in Form IV in respect of every factory so as to reach the authority appointed under rule 9 not later than the 15th of May following the end of the calendar year to which it relates.

Display of rates of wages.

19. In every cotton spinning and weaving factory and in every artificial silk factory, a notice shall be displayed by the employer in each department of the factory, specifying the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervision or management or those who are employed in a confidential position.

Costs.

20. (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, it shall state his/its reasons for so doing in writing.

(2) The costs which may be awarded shall include—

(*a*) the charges necessarily incurred on account of court-fees;

(*b*) the charges necessarily incurred on subsistence money to witnesses; and

(*c*) Pleader's fees which shall ordinarily be Ten Rupees, provided that the Authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Five Rupees or increase it to a sum not exceeding Thirty-Rupees.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

Fees.

21. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or Court, as the case may be:

Provided that the Authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

22. The fee payable in respect of proceedings under the Act shall be—

(i) For every application to summon a witness.	Four annas in respect of each witness.
(ii) For every other application made by or on behalf of an individual person before the Authority.	Eight annas.
(iii) For every other application made by or on behalf of an unpaid group before the Authority.	Four annas for each member of the group, subject to a maximum of five rupees.
(iv) For every appeal lodged with the Court.	Five rupees.

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit the fee:

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

Abstracts.

23. The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

Penalties.

24. Any breach of rules 3, 4, 5, 6, 8, 12, 15, 18 and 19 of these rules shall be punishable with fine which may extend to two hundred rupees.

FORM I.

REGISTER OF FINES.

Name of Factory :—

Name of operative fined	Father's name or Ticket number	Department	Act or omission for which fine was imposed.	Amount of fine	Designation of officer imposing fine	Date on which fine was imposed	Whether workman showed cause fine or not. If so, enter date.	Wages payable*		Total amount of fines	Date or dates on which fines or total fines were recovered	Remarks
								Amount	Wage period†			
1	2	3	4	5	6	7	8	9	10	11	12	13

*By "Wages payable" is meant the gross wages earned by a workman for time workers, the wages due for the pay period less deductions for absence from duty: for piece workers the wages due on production—in both the cases without deductions for fines or for services rendered by the employer.

†Here enter month if payment is made by the English calendar month. In the case of other pay periods, enter "week" or "fortnight" as the case may be, giving the dates covered by the pay period.

FORM II

Register of Deductions for Damage or Loss caused to employers through the neglect or default of employed persons in respect of goods expressely entrusted to them for custody.

Name of Factory :—

Serial No.	Name	Father's name or Ticket number	Department	Damages or loss caused	Amount of deduction imposed	Designation of officer imposing deduction	Date when deduction imposed	Whether worker showed cause against deduction or not	No. of instalments, if any, in which deduction is proposed to be recovered	Date on which total amount of deduction imposed was realized.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

FORM III.

Register of advances made to employed persons.

Name of Factory.....

Sl. No.	Name	Father's name or Ticket number	Department	Date and amount of advance made	Purpose(s) for which advance made	No. of instalments by which advance to be repaid	Postponements granted	Date on which total amount repaid	Remarks
1	2	3	4	5	6	7	8	9	10

FORM IV.

Deduction from Wages.

Return for the year ending 31st December 195 .

1. (*a*) Name of the Factory ...
   (*b*) Postal address ...
   *(*c*) Class of Factory ...

†2. Average number of workers employed daily: —

‡ on day shift	...	.....	(Men).
		.....	(Women).
on night-shift	...	.....	(Men).
Total	...		

†3. Actual number of days worked during the year :—
   ‡ on day-shift.
   ‡ on night-shift.

4. Total wages paid including deductions under clauses (*d*) to (*j*) of sub-section (2) of Section 7 of the Payment of Wages Act, 1936, but not other deductions :—

		Rs. a. p.
(Men)	...	...
(Women)	...	...
Total	...	

5. Number of cases and amount realized as—

No. of Cases.	Amount.
	Rs. a. p.
(*a*) Fines ...	...
(*b*) Deductions for damage or loss	...
(*c*) Deductions for breach of contract	...

6. Disbursement from fine fund :—

Amount.	Purpose.
Rs. a. p.	

Signature.....

Dated.....195 . *Designation* ....

* *e.g.*—Cotton Mill, Iron Foundry, Flour Mill, etc.

† Information should only be given for those workers whose wages payable are less than Rs. 200 per month.

‡ If any factory runs more than two shifts, the information should be given separately for each shift, *e.g.*, first shift, second shift and third shift.

FORM V.

Abstract of the Payment of Wages Act, 1936, and the Rules made thereunder.

Whom the Act affects.

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.

2. No employed person can give up by contract or agreement, his rights under the Act.

Definition of Wages.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of proper notice of discharge.

It excludes—

(*a*) the value of house accommodation, supply of light, water, medical—attendance, or other amenity or of any service excluded by the State Government;

(*b*) the employer's contribution to a pension or provident fund;

(*c*) travelling allowance or concession or other special expenses entailed by the employment;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;

(*e*) any gratuity payable on discharge.

Responsibility for and method of Payment.

4. The Manager of the factory is responsible for the payment under the Act of wages to persons employed in the factory, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within seven days of the end of the wage-period (or within ten days if one thousand or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day from the day on which his employment is terminated.

7. Payments in kind are prohibited.

Fines and Deductions.

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the Factory and after giving the employed person an opportunity for explanation.

(2) Fines—

(a) shall not exceed half-an-anna in the rupee;

(b) shall not be recovered by instalments, or later than sixty days of the date of imposition;

(c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Chief Inspector of Factories;

(d) shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

(1) no deduction for breaking a contract can be made from a person under fifteen years of age or a woman;

(2) there must be a provision in writing forms part of the contract of employment requiring that a specific period of notice of intention to cease work not exceeding fifteen days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;

(3) the above provision must be displayed at or near the main entrance of the factory;

(4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory;

(5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the State Government.

13. (*a*) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.

(*b*) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(*c*) Advances of unearned wages can be made at the employer's discretion during employment.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the State Government or to the Insurance of the Mysore Government Insurance Department subject to any conditions imposed by the State Government.

INSPECTIONS.

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking evidence) as he may deem necessary for carrying out the purposes of the Act.

COMPLAINTS OF DEDUCTIONS OR DELAYS.

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

ACTION BY THE AUTHORITY.

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

APPEAL AGAINST THE AUTHORITY.

19. An appeal against a direction made by the Authority may be preferred, within 30 days to the District Court—

(a) by the employer if the total amount directed to be paid exceeds Rs. 300;

(b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs 50;

(c) by a person directed to pay a penalty for a malicious or vexatious application.

PUNISHMENTS FOR BREACHES OF THE ACT.

20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine up to Rs. 500 but only if prosecuted with the sanction of the Authority or the Appellate Court.

21. The employer, who—

(i) does not fix a wage-period, or

(ii) makes payment in kind, or

(iii) fails to display at or near the main entrance of the factory of this abstract in English and in the language of the majority of the employed persons, or

(iv) contravenes certain rules made under the Act,

is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. A.F. 6741—Mart. 13-51-16, dated Bangalore, 24th October 1951.

Under Section 5 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to declare that the following Taluks shall be constituted to be represented on the Market for the Market Constituted under Notification No. A.F. 6653—Mart. 13-51-15, dated 22nd October 1951.

(1) Ramanagaram
(2) Channapatna
(3) Maddur
(4) Kankanhalli
(5) Malavalli

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT)

No. H. A. 7020—Pol. 314-51-3, dated Bangalore, 6th November 1951.

Mysore Lotteries and Prize Competitions Control and Tax Rules, 1951.

The following draft of The Mysore Lotteries and Prize Competitions Control and Tax Rules, 1951, which His Highness the Maharaja of Mysore proposes to make in exercise of the powers conferred by section 31 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, (Mysore Act XXVII of 1951) is hereby published for the information of all persons likely to be affected thereby as required by sub-section (4) of the said section.

Notice is hereby given that any objection or suggestion to the said draft may be sent to the Chief Secretary to Government of Mysore, Bangalore, before the 15th day of November, 1951, on or after which the draft will be taken into consideration.

1. *Title.*—These Rules may be called The Mysore Lotteries and Prize Competitions Control and Tax Rules, 1951.

2. *Definitions.*—In these rules unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951;

(*b*) "Form" means a form appended to these rules;

(*c*) "Licence" means a licence granted under Section 5, 6, 7 or 8 of the Act;

(*d*) "Section" means a section of the Act;

(*e*) "Tax" means the tax levied under section 12 of the Act on a lottery or prize competition licensed under Section 5, 6, 7 or 8 of the Act, as the case may be;

(*f*) Words and expression not defined in these rules shall have the meanings assigned to them in the Act.

3. *Application for licence.*—Any promoter desirous of obtaining a licence under section 5, 6, 7 or 8, shall, either personally or by registered post, submit an application in Form A, B, C, or D, as the case may be, to the Secretary to the State Government notified in this behalf.

4. *Forms and particulars of the licence.*—Every licence under sections 5, 6, 7 or 8 shall be in Form E, F, G and H, respectively, and shall be subject to the conditions and restrictions therein specified and to the provisions of the Act, and these rules. The licence shall be effective throughout the State of Mysore.

5. *Fees for grant of licences.*—(1) A fee shall be charged for every licence as follows:

(i) Rupees ten for every entertainment lottery;

(ii) Rupees ten for every private lottery promoted by a society having not more than 500 members and restricted to its members;

(iii) Rupees twenty-five for every other lottery;

(iv) Rupees twenty-five for every prize competition.

Such fee shall be paid by every applicant into a Government Treasury.

(2) No application for the grant of a licence shall be entertained unless the amount of the licence fee is so paid.

6. *Suspension or cancellation of licence.*—While ordering the suspension or cancellation of any licence under section 11, the State Government shall give the reasons for such order and shall, if requested, furnish a copy of such order together with the reasons for it to the holder of the licence.

7. *Transfer of the licence and partnership.*—Every licence granted under these rules shall be deemed to have been granted personally to the promoter named therein, and no such promoter shall sell or otherwise transfer, or enter into a partnership with any person for the working of such licence.

8. *Loss of licence.*—When any licence granted under these rules is lost or is destroyed or if a holder so desires,

a duplicate copy thereof may be furnished to the holder by the State Government on payment of a fee of:

(i) Rupees two for licence for an entertainment lottery;

(ii) Rupees five for licence for any other lottery;

(iii) Rupees ten for licence for a prize competition.

9. *Production of licence on demand.*—Every person holding or acting under a licence granted under these rules shall produce the same or a copy thereof furnished to him under rule 8 whenever called upon to do so by an officer duly empowered in this behalf.

10. *Keeping Books of Accounts.*—The books of accounts kept by a licensee under section 15 of the Act shall contain the following particulars:—

(*a*) *In the case of an entertainment lottery*—

(i) the number of tickets printed;

(ii) the price of the tickets;

(iii) the number of the tickets sold;

(iv) the amount received by sale of tickets;

(v) the expenses incurred in printing tickets;

(vi) the expenses incurred in purchasing prizes in the lottery;

(vii) the proceeds of the entertainment including the proceeds of the lottery;

(viii) the expenses incurred on the entertainment excluding expenses incurred in connection with the lottery;

(ix) the total proceeds of the entertainment (including the proceeds of the lottery) after deducting the amounts under paragraphs v, vi & viii;

(x) the tax paid on the lottery;

(*b*) In the case of private lottery:—

(i) the number of tickets printed;

(ii) the price of the ticket or chance in the lottery;

(iii) the number of tickets or chances sold;

(iv) the total proceeds of the lottery;

(v) the expenses incurred for printing and stationery;

(vi) the amount devoted to the provision of prizes for purchasers of tickets or chances; or the amount devoted to the purposes which are purposes of the Society as the case may be;

(vii) the tax paid on the lottery.

(*c*) *In the case of Charitable, Religious and Educational Lottery* :—

(i) the number of tickets printed ;
(ii) the price of the ticket or chance in the lottery;
(iii) the number of tickets or chances sold ;
(iv) the total proceeds of the lottery ;
(v) the expenses incurred for printing and stationery;
(vi) the amount devoted to the provision of prizes for purchasers of tickets or chances;
(vii) the amount devoted for the benefit of the Charitable, Religious or Educational Institution or Organisation concerned ;
(viii) the tax paid on the lottery.

(*d*) *In the case of Prize Competitions* :—

(i) the number of coupons submitted by persons in respect of every prize competition ;
(ii) the number of free entry coupons;
(iii) the amount received in respect of such competition ;
(iv) the tax paid in respect of the prize competition.

Provided that in case of a prize competition in respect of which the entrance fee is included in or forms part of the consideration for the sale of any goods and is not separately levied the licensee shall keep a separate account of the sums received in respect of such fee :

Provided further that when no entrance fee is levied in any manner whatever in respect of a prize competition, the licensee shall keep a separate account of the prizes given away in such prize competition.

11. *Every Licensee to furnish return of Accounts kept under Section* 15 *of the Act.*—(*a*) Every licensee in the case of lotteries shall submit to the Deputy Commissioner of the District a statement of account within seven days of the drawing of the lottery ; and

(*b*) Every licensee in the case of prize competition shall within fifteen days of the close of each calendar month, submit to the Deputy Commissioner of the District a return in Form I of the total sum received by him during the month and other particulars in respect of every prize competition.

12. *Penalty for breach of Rule 7, 9, 10 or 11.*—Any licensee contravening rule 7, 9, 10 or 11 of these rules shall, on conviction, be liable to fine which may extend to fifty rupees.

FORM A.

(See *Rule 3*).

Application for the grant of a License under Section 5 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.

(Mysore Act XXVII of 1951).

The replies to be written in this column.

1. Full name and address of the Promoter ...
   Town or village (and name of street and number of premises in case of a town).
   Taluk ... ...
   District. ... ...
2.* The details of the entertainment lottery for which license is applied for, *viz.*, place, date or dates, and time of the entertainment, the price of the ticket and the amount proposed to be spent on prizes in the lottery.
3. Whether the promoter had applied for a license before and, if so, with what result.
4. Remarks ... ...
   Date of application.

... ... *Signature of the Applicant.*

**Explanation.*—The applicant shall furnish with the application a specimen of the ticket in the lottery and any other literature proposed to be issued in connection with the lottery.

FORM B.

(See *Rule 3*).

Application for the grant of a License under Section 6 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.

(Mysore Act XXVII of 1951).

	The replies to be written in this column.
1. Full name and address of the Promoter ...	
Town or village (and name of street and number of premises in case of a town).	
Taluk ...	
District.	
2. Full name and address and number of members of the Society in case the lottery is promoted for members of a Society.	
3.* The details of the private lottery for which license is applied for, *viz.*, place, date and time of the holding of the lottery and the price of the ticket or chance in the lottery and the prizes offered to purchasers of tickets or chances in the lottery and/or portion of proceeds proposed to be devoted to purposes which are purposes of the Society.	
4. Whether the promoter had applied for a license before and, if so, with what result.	
5. Remarks.	

Date of application.

Signature of the Applicant.

**Explanation.*—The applicant shall furnish with the application a specimen of the ticket or chance in the lottery and any other literature proposed to be issued in connection with the lottery.

FORM C.

(See *Rule 3*).

Application for the grant of a License under Section 7 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.

(Mysore Act XXVII of 1951).

The replies to be written in this column.

1. Full name and address of the Promoter. ...
   Town or village (and name of street and number of premises in case of a town).
   Taluk ... ...
   District. ... ...
2. Full name of the institution or organization for the benefit of which the lottery is promoted.
3.* The details of the lottery for which license is applied for, *viz.*, place, date and time of the holding of the lottery and the price of the ticket or chance in the lottery and the prizes offered to purchasers of tickets or chances in the lottery and the portion of proceeds proposed to be devoted for the benefit of the charitable/religious/educational institution or organisation.
4. Whether the promoter had applied for a license before and, if so, with what result.
5. Remarks ... ...

Date of application

Signature of the Applicant.

**Explanation.*—The applicant shall furnish with the application a specimen of the ticket or chance in the lottery and any other literature proposed to be issued in connection with the lottery.

FORM D.

(See *Rule 3.*)

Application for the grant of a License under Section 8 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.

(Mysore Act XXVII of 1951).

The replies to be written in this column.

1. Full name and address of the Promoter ...
2. Name of the newspaper or periodical or place of business.
   Town or village (and name of street and number of premises in case of a town).
   Taluk ... ...
   District ... ...
3.* The details of the prize competition (or competitions) for which license is applied for with details of entrance fee and the method of selecting the prize winners.
4. Whether the promoter had applied for a license before and, if so, with what result.
5. Remarks ... ...

Date of application.

... ...

Signature of the Applicant.

**Explanation.*—The applicant shall furnish with the application a specimen entry form and any other literature proposed to be issued in connection with the prize competition.

FORM E.

(See *Rule 4.*)

License for an Entertainment Lottery under Section 5 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.

(Mysore Act XXVII of 1951.)

LICENSE NO.

(Name of promoter).....
(Address).....
(Signature and place).....
Town or Village (name of Street and number of premises in case of a town)...
.....Taluk.....District.....
is hereby granted license subject to the provisions of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951 (Mysore Act XXVII of 1951), (hereinafter called "The Act") and the rules thereunder for the promotion of a lottery described in the Schedule annexed to this license, as an incident of an entertainment to be held on (date or dates) ..... subject to the conditions hereinafter mentioned, namely :—

CONDITIONS.

1. The licensee shall afford all facilities for the checking of his account and shall, at all reasonable times, produce for inspection accounts or other documents and shall furnish fully and correctly any information in his possession as may be required for the purpose of the Act by the State Government or by any officer authorised by the State Government in this behalf.

2. The licensee shall not vary the details of the price of the ticket and the prizes stated in respect thereof in the Schedule hereto annexed without the previous permission of the State Government.

3. The licensee shall state in a prominent place in every notice, announcement, ticket or any other document issued in connection with the lottery that he has obtained such license and shall also specify in such notice, announcement, ticket or other documents, the number and date of the license.

4. The licensee shall, if called upon by the State Government or the Deputy Commissioner of the District, to do so, at any time deposit in cash or in Government Securities or in Post Office Cash Certificates an amount equal to the probable amount of the tax payable by him under Section 12 of the Act in respect of the Lottery.

5. Without prejudice to the liability of the licensee, if any, to be proceeded against under any of the provisions of the Act or the rules made thereunder the license shall be liable to be suspended or cancelled in accordance with the provisions of Section 11 of the Act.

6. If the license is suspended or cancelled for any reason, the licensee shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

Dated this day of 19 .

SEAL

Signature of the Secretary to the State Government.

SCHEDULE.

(Description of the entertainment Lottery).

FORM F.

(See *Rule 4.*)

License for promotion of a Private Lottery under Section 6 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951

(Mysore Act XXVII of 1951).

LICENSE NO.

[Name(s) of promoter(s)] .....

.....

(Address) .....

(Situation and place of business) .....

Town or Village (name of Street and number of premises in case of a town) ...

..... Taluk ..... District .....

is hereby granted license subject to the provisions of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951 (Mysore Act XXVII of 1951) (hereinafter called "the Act") and the rules thereunder for promotion of a private lottery described in the Schedule annexed to this license to be held on the date or dates) ...

..... subject to the conditions hereinafter mentioned, namely :—

CONDITIONS.

1. The licensee shall afford all facilities for the checking of his account and shall, at all reasonable times, produce for inspection accounts or other documents and furnish fully and correctly any information in his possession as may be required for the purposes of the Act by the State Government or by any officer authorised by the State Government in this behalf.

2. The licensee shall not vary the details of the price of the ticket and the prizes stated in respect thereof in the attached Schedule hereto annexed without the previous permission of the State Government.

3. The licensee shall state in a prominent place in every notice, announcement, ticket or any other document issued in connection with the lottery that he has obtained such license and shall also specify therein the number and date of the license.

4. The licensee shall, if called upon by the State Government or the Deputy Commissioner of the District, to do so, at any time deposit in cash or in Government Securities or in Post Office Cash Certificates an amount equal to the probable amount of the tax payable by him under Section 12 of the Act in respect of the lottery.

5. Without prejudice to the liability of the licensee, if any, to be proceeded against under any of the provisions of the Act and the rules made thereunder the license shall be liable to be suspended or cancelled in accordance with the provisions of Section 11 of the Act.

6. If the license is suspended or cancelled for any reason, the licensee shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

Dated this day of 19

SEAL

Signature of the Secretary to the State Government.

SCHEDULE.

(Description of the private lottery).

FORM G.

(See *Rule* 4).

License for promotion of a Charitable Lottery under Section 7 of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.

(Mysore Act XXVII of 1951).

LICENSE NO.

[Name(s) of Promoter(s)].....
.....
(Address).....
(Situation and place of business).....
Town or village (name of street and number of premises in case of a town).....
.....Taluk.....District.....
is hereby granted license subject to the provisions of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, (Mysore Act XXVII of 1951) (hereinafter called "the Act") and the rules thereunder for promotion of a charitable lottery described in the Schedule annexed to this license to be held on the (date or dates).....subject to the conditions hereinafter mentioned, namely :—

CONDITIONS.

1. The licensee shall afford all facilities for the checking of his account and shall, at all reasonable times, produce for inspection accounts or other documents and furnish fully and correctly any information in his possession as may be required for the purposes of the Act by the State Government or by any officer authorised by the State Government in this behalf.

2. The licensee shall not vary the details of the price of the ticket and the prizes stated in respect thereof in the attached Schedule hereto annexed without the previous permission of the State Government.

3. The licensee shall state in a prominent place in every notice, announcement, ticket or any other document issued in connection with the lottery that he has obtained such license and shall also specify therein the number and date of the license.

4. The licensee shall, if called upon by the State Government or the Deputy Commissioner of the District, to do so, at any time deposit in cash or in Government Securities or in Post Office Cash Certificates an amount equal to the probable amount of the tax payable by him under section 12 of the Act in respect of the lottery.

5. Without prejudice to the liability of the licensee, if any, to be proceeded against under any of the provisions of the Act and the rules made thereunder the license shall be liable to be suspended or cancelled in accordance with the provisions of section 11 of the Act.

6. If the license is suspended or cancelled for any reasons, the licensee shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

Dated this day of 19 .

SEAL.

Signature of the Secretary to the State Government.

SCHEDULE.

(Description of the Charitable Lottery).

FORM H.

(See *Rule* 4).

License for promotion of a Prize Competition (or Competitions) under Section 8 of the Mysore Lotteries and Prize Co mpetitions Control and Tax Act, 1951.

(Mysore Act XXVII of 1951).

LICENSE NO.

(Name of Promoter).....
(Name of Newspaper or periodical).....
(Address).....
(Situation and place of business).....
Town or village (Name of street and number of premises in the case of a town)
.....Taluk.....District.....
is hereby granted license subject to the provisions of the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951 (Mysore Act XXVII of 1951), (hereinafter called " the Act "), and the rules thereunder for promotion of prize competition (or competitions) described in the Schedule annexed to this license, for the period from 19 to 31st March 19 , both days inclusive, subject to the conditions hereinafter mentioned, namely :—

CONDITIONS.

1. The licensee shall afford all facilities for the checking of his accounts and shall, at all reasonable times, produce for inspection, accounts or other documents and shall furnish fully and correctly any information in his possession as may be required for the purposes of the Act by the State Government or any officer authorised by the State Government in this behalf.

2. The licensee shall not vary the details of the competition entrance fee and the prizes stated in respect thereof in the schedule hereto annexed without the previous permission of the State Government.

3. The licensee shall state in a prominent place in every publication, ticket or coupon issued in connection with the prize competition(s) that he has obtained such license and shall also specify in such publication, ticket or coupon the number and the date of the license.

4. The licensee shall not exhibit or cause to be exhibited in his place of business or any other public place any document which is or purports to be a cash voucher, ticket or entry fee receipt issued in connection with the prize competition.

5. The licensee shall, if called upon by the State Government or the Deputy Commissioner of the District, to do so, at any time deposit in cash or in Government securities or in Post Office Cash Certificates an amount equal to the probable amount of the tax payable by him under section 12 of the Act for any quarter in respect of the prize competition or competitions.

6. The licensee shall appoint a committee for the purpose of scrutinising the result of each prize competition and any officer appointed by the State Government in this behalf shall be one of the members of such committee.

7. Without prejudice to the liability of the licensee, if any, to be proceeded against under any of the provisions of the Act and the rules made thereunder, the license shall be liable to be suspended or cancelled in accordance with the provisions of section 11 of the Act.

8. If the license is suspended or cancelled for any reason the licensee shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

Dated this day of 19 .

SEAL.

Signature of the Secretary to the State Government.

SCHEDULE.

[Description of the Prize Competition (or Competitions)].

FORM I.

(See *Rule* 11).

Name of Promoter.....

Number of License.....

Nature and description of Prize Competition.....

Prizes offered for the Competition.....

Month	Total No. of coupons submitted	Total No. of free entry coupons	Total sum received in respect of such competition	Remarks
1	2	3	4	5

I do hereby declare that I have compared the above particulars with my book of account and they are, in so far as I can ascertain, accurate and complete.

Dated this day of 19 .

Signature of the Promoter.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,

Chief Secretary to Government.

No. W. 797, dated Bangalore, 2nd November 1951.

In exercise of the powers conferred by Section 20 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act No. XXX of 1951), His Highness the Maharaja of Mysore is pleased to exempt houses owned by any local authority or Muzrai Institution from all the provisions of the said Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 3012—L.W. 78-51-5, dated Bangalore, the 5th November 1951.

In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948), His Highness the Maharaja of Mysore is pleased to make the following rules, the same having been previously published in the *Mysore Gazette* dated 5th July 1951, as required by the said section.

THE MYSORE MINIMUM WAGES RULES, 1951.

1. *Short title.*—(1) These Rules may be called the Mysore Minimum Wages Rules, 1951.

2. *Interpretation.*—In these rules, unless there is anything repugnant in the subject or context—

(*a*) "Act" means the Minimum Wages Act, 1948;

(*b*) "Advisory Committee" means an Advisory Committee appointed under section 6 and includes an Advisory sub-committee appointed under that section;

(*c*) "Authority" means the authority appointed under sub-section (1) of section 20;

(*d*) "Board" means the Advisory Board appointed under section 7;

(*e*) "Chairman" means the Chairman of the Advisory Board, the Committee or the Advisory Committee as the case may be, appointed under section 9;

(f) "Committee" means a Committee appointed under clause (a) of sub-section (1) of section 5, and includes a sub-committee appointed under that section;

(g) "Form" means a form appended to these rules;

(h) "Government" means the State Government;

(i) "Inspector" means a person appointed as Inspector under section 19;

(j) "Section" means a section of the Act;

(k) All other words and expressions used herein and not defined shall have the meaning respectively, assigned to them under the Act.

CHAPTER II.

MEMBERS AND STAFF, AND MEETINGS OF THE BOARD, COMMITTEE AND ADVISORY COMMITTEE.

3. *Term of office of the members of the Committee and the Advisory Committee.*—The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the Government is necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of the Committee or an Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

4. *Term of office of members of the Board.*—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board, shall be *two years* commencing from the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of *two years* continue to hold office until his successor is nominated.

(2) A non-official member of the Board nominated to fill a casual vacancy hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the Government.

5. *Travelling allowance.*—A non-official member of the Committee, an Advisory Committee or the Board shall be entitled to draw travelling and daily allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the Mysore Service Regulations.

6. *Staff.*—(1) The Government may appoint a Secretary to the Committee, an Advisory Committee or the Board, and such other staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee or the Board, as the case may be. He may attend the meetings of such Committee, Advisory Committee or Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, the Advisory Committee or the Board, as the case may be.

7. *Eligibility for re-nomination of the members of the Committee, Advisory Committee and the Board.*—An out-going member shall be eligible for re-nomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

8. *Resignation of the Chairman and Members of the Committee, Advisory Committee and the Board and filling of casual vacancies.*—(1) A member of the Committee, Advisory Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by letter addressed to the Government.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, Advisory Committee or the Board, the Chairman shall submit a report to the Government immediately. The Government shall then take steps to fill the vacancy.

9. *Cessation and restoration of membership.*—(1) If a member of the Committee, Advisory Committee or the Board fails to attend three consecutive meetings, he shall,

subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. *Disqualification.*—(1) A person shall be disqualified for being *nominated* as, and for being a member of the Committee, Advisory Committee or the Board, as the case may be,—

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1) the decision of the Government thereon shall be final.

11. *Meetings.*—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, Advisory Committee or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one-half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

12. *Notice of meetings.*—The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least *fifteen days* before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of *seven days* only may be given to every member.

13. *Chairman.*—(1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves by a majority of votes, a member, who shall preside at such meeting.

14. *Quorum.*—No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. *Disposal of business.*—All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. *In the event of an equality of votes the Chairman shall have a casting vote*:

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than a two-thirds majority of the members.

16. *Method of voting.*—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

17. *Proceedings of the meeting.*—(1) The proceedings of each meeting showing *inter alia* the names of the members present thereat shall be forwarded to each member and to the Government as soon after the meeting

as possible and in any case, not less than seven days before the next meeting.

(2) The Proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III.

SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS.

18. *Summoning of witnesses and production of documents.*—(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers.

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or union, as the case may be.

(4) The provision of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

19. *Expenses of witnesses.*—Every person who is summoned and appears as a witness before the Committee, the Advisory Committee or the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment

of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV.

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS.

20. *Mode of computation of the cash value of wages.*—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. *Time and conditions of payment of wages and the deductions permissible from wages.*—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed *shall not exceed one month* and the wages of a worker in such employment shall be paid on a working day

(*a*) in the case of establishments in which less than one thousand persons are employed before the expiry of the seventh day, and

(*b*) in the case of other establishments before the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely:—

(i) fines;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the Government may by general or special order authorise.

Explanation.—The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment;

(vi) deductions for recovery of advances or for adjustment of over-payments of wages:

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month;

(vii) deductions of income-tax payable by the employed person;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in section 58A of the Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer

any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in a register maintained in Form I, II and III, as the case may be. *A return in Form III shall be submitted* annually by the employer.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936.

22. *Publicity to the minimum wage fixed under the Act.*—Notices containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language under stood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

23. *Weekly Holidays.*—(1) Unless otherwise permitted by Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the five days immediately before or after the said day *for which he shall receive payment equal to his average daily wages during the preceding week*:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at midnight on Saturday night.

24. *Number of hours of work which shall constitute a normal working day.*—(1) The number of hours which shall constitute a normal working day shall be—

(*a*) in the case of an adult, nine hours;

(*b*) in the case of a child, four and a half hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(4) The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

(5) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

25. *Extra wages for overtime.*—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages,

(*a*) in the case of employment in agriculture, at one and a half times the ordinary rate of wages,

(*b*) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression 'ordinary rate of wages' means the basic wage *plus* such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of foodgrains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

(3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

26. *Form of registers and records.*—(1) A register of wages shall be maintained by every employer and kept in Form V.

(2) Wage slips in Form VI shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form VII.

CHAPTER V.

CLAIMS UNDER THE ACT

27. *Application.*—An application under sub-section (2) of Section 20 or sub-section (1) of Section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VIII and IX as the case may be.

28. *Authorisation.*—The Authorisation to act on behalf of an employed person or persons, under sub-section (2) of Section 20 or of sub-section (1) of Section 21 shall be given in Form X by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

29. *Appearance of parties.*—(1) If an application under sub-section (2) of Section 20 or Section 21 is entertained, the Authority shall serve upon the employer by registered post a notice in Form XI to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application *ex parte.*

(3) If the applicant or his representative fails to appear on the specified date, the authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI.

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT.

30. *Costs.*—(1) The Authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(*i*) expenses incurred on account of court-fees;

(*ii*) expenses incurred on subsistence money to witnesses, and

(*iii*) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleader or more than one applicant or opponent, the Authority may subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

31. *Court fees.*—The Court fee payable in respect of proceedings under Section 20 shall be—

(*i*) for every application to summon a witness—one rupee in respect of each witness;

(*ii*) for every application made by or on behalf of an individual—one rupee:

Provided that the Authority may, if in its opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees:

Provided further that no fee shall be chargeable—

(*a*) from persons employed in agriculture; or

(*b*) in respect of an application made by an Inspector.

FORM I.

REGISTER OF FINES.

Rule 21 (4)

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Nature and date of the offence for which fine imposed	Whether workman showed cause against fine or not. If so, enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM II.

Rule 21 (4).

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER BY THE NEGLECT OR DEFAULT OF THE EMPLOYED PERSONS.

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Department	Damage or loss caused with date	Whether worker showed cause against deduction. If so, enter date	Date and amount of deduction imposed	Numbers of instalments, if any	Date on which total amount realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM III.

Rule 21 (4)

DEDUCTION FROM WAGES

Return for the year ending the 31st December.....

1. Name of the employer and postal address.....

2. Total number of persons employed { adults ..... / Children ..... }

3. Total wages paid .....

4. Number of cases and amounts realised as :—

	No. of cases	Amount
(*a*) Fines		
(*b*) Deductions for damage or loss		
(*c*) Deductions for breach of contract		

5. Disbursement from Fine Fund :—

Amount	Purpose
Rs.	

Signature .....

Dated.....195 . Designation .....

FORM IV.

Rule 25 (2).

OVERTIME REGISTER FOR WORKERS.

Month ending.....195

Serial No.	Name	Father's/Husband's Name	Sex	Designation and Department	Dates on which overtime worked	Extent of overtime on each occasion	Total overtime worked or production case of piece-workers	Normal hours	Normal rate	Overtime rate	Normal earnings	Overtime earnings	Total earnings	Date on which overtime payments made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

SCHEDULE

FORM V.

Name of the Establishment.....

Place.....

Register of Wages/Rule 26 (1).

Names of the workers	Wage period	Minimum rates of wages payable	Dates on which overtime worked	Gross wages payable	Deductions if any indicating the kind of deduction mentioned in Rule 21 (2)	Actual wages paid	Signature or thumb impression of the employee

SCHEDULE

FORM VI.

Name of the establishment.....

Place.....

Wage Slips/Rule 26 (2)

Name of the worker	Wage period	Minimum rates of wages payable	Dates on which overtime worked	Gross wages payable	Deductions if any	Actual wages paid	Signature of the employee

FORM VII.

Rule 26 (5).

MUSTER ROLL.

Name of Establishment.....Place.....

Sl. No.	Name	Father's/ Husband's name	Sex	Nature of work	For the period ending								Remarks
					1	2	3	4	5				

FORM VIII.

[FORM OF APPLICATION BY AN EMPLOYEE UNDER SECTION 20 (2)].

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for.....Area.

Application No. of 19 .

(1).....
(2).....
(3).....
} Applicant (s)

(through.....a Legal Practitioner .....Official of.....Union which is registered Trade Union.

Address.....

versus

(1).....
(2).....
(3).....
} Opponents

Address.....

The applicant (s) abovenamed beg (s) respectfully to submit as follows :—

(1) that.....
(2) that.....

The applicant (s) has (have) been paid wages at less than the minimum rate of wages.

The applicant (s) estimate (s) the value of the relief sought by him (them) at the sum of Rs.....

The applicant (s) pray (s) that a direction may be issued under sub-section (3) of Section 20 for :—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(*b*) Compensation amounting to Rs.....

The applicant (s) beg (s) leave to amend or add to or make alterations in the application if any and when necessary.

Date.....

*

Signature or thumb impression of the employee (s), legal practitioner or official of a registered Trade Union duly authorised.

---

*When the application is by a group of employees, the thumb impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

The applicant (s) do (es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed at.....on.....day of.....19

Signature or thumb impression of the employee (s) or legal practitioner or official of a registered Association duly authorised.

FORM IX.

[FORM OF APPLICATION BY AN INSPECTOR OR PERSON ACTING WITH THE PERMISSION OF THE AUTHORITY UNDER SECTION 20 (2)].

In the Court of the authority appointed under the Minimum Wages Act, 1948, for.....area.

Application No. of 19 .

(1).....applicant.

Address.....

versus

(1).....Opponent

Address.....

The applicant abovenamed begs respectfully to submit as follows :—

(1) that.....

(2) that.....

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees :—

(1).....

(2).....

(3).....

The applicant estimats the value of the relief sought for the employees at the sum of Rs.....

The applicant prays that a direction may be issued under sub-section (3) of Section 20 for :—

(*a*) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(*b*) Compensation amounting to Rs.....

The applicant begs leave to amend or add to or make alterations in the application if and when necessary.

Date..... Signature.....

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed at.....on.....day.....19 .

FORM X.

[FORM OF AUTHORITY IN FAVOUR OF A LEGAL PRACTITIONER OR ANY OFFICIAL OF REGISTERED TRADE UNION REFERRED TO IN SECTION 20 (2)].

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for.....Area

Application No. of 19 .

(1).....
(2).....
(3).....
} Applicant (s)

versus

(1).....
(2).....
(3).....
} Opponents(s)

I hereby authorise Mr.....a legal practitioner an official of the registered trade union of.....to appear and act on my behalf in the above described proceeding and to do all things incidental to such appearing and acting.

Date.....

Signature or thumb impression of the employee.

FORM XI.

[FORM OF SUMMONS TO THE OPPONENT TO APPEAL BEFORE THE AUTHORITY WHEN AN APPLICATION UNDER SUB-SECTION (2) OF SECTION 20 OR UNDER SECTION 21 IS ENTERTAINED].

(Title of the application).

To.....

(Name, description and place of residence).

WHEREAS.....has made the abovesaid application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shal, be accompanied by some person able to answer all such questionsl on the.....day of.....19 at..... o'clock in the .....noon, to answer the claim; and as the day fixed for the appearance is appointed for the final disposal of the application, you must be appeared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Date.....

Signature of the Authority.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATIONS.

No. L. 8572—C.M. 30-51-2, dated Bangalore, 10th November 1951.

In pursuance of clause (a) of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No. LXIX of 1949) as amended from time to time, the draft of the following Notification amending the rules issued under Section 68 of the said Act, is hereby published:—

DRAFT NOTIFICATION

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules regulating the procedure with regard to the election of the divisional councillors of the Corporation of the City of Bangalore and of the Councillors to fill the seats specially reserved for labour, issued in Notification No. L. 8030—CM. 57-49-9, dated the 28th January 1950, namely:—

For the first sentence occurring in sub-rule (6) of rule 27 of the said rules, the following sentence shall be substituted, namely:—

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with Section 196 of the Code of Criminal Procedure, 1898, to prosecute the persons whom he believes to be guilty of the offence of personation."

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L. 8606—Ml. 150-51-3, Bangalore, dated the 12th November 1951.

In exercise of the powers conferred by Sections 23(2) and (3) and 208 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951) and in supersession of the Rules made in Notification No. L. 3055—Ml. 207-27-1, dated the 26th November 1927, His Highness the

Maharaja of Mysore is pleased to make the following rules for regulating the election to the offices of President and Vice-President of a Town Municipal Council, namely :—

1. (1) The election of the President or the Vice-President shall be held in the Municipal Office by the Councillors at a meeting specially convened for the purpose.

(2) Such meeting shall be convened as soon as possible after the occurrence of the vacancy :—

(a) in the case of the election of the President—

(i) in the case referred to in sub-section (5) of Section 23, by the officer specified in the said sub-section; and

(ii) by the Vice-President in other cases; and

(b) in the case of election of the Vice-President, by the President.

Notice of the day and hour of meeting shall be given at least fifteen clear days previous to the day of meeting.

(3) Such meeting shall be presided over—

(a) If held for the election of the President,

(i) in the case referred to in sub-section (5) of Section 23, by the officer specified in the said sub-section;

(ii) in other cases by the Vice-President, or if the Vice-President himself intends to stand as a candidate at the election or in his absence, by a Councillor, not intending to stand as a candidate at the election, chosen by the meeting to preside for the occasion; and

(b) If held for the election of the Vice-President by the President, or in his absence, by a Councillor, not intending to stand as a candidate at the election, chosen by the meeting to preside for the occasion.

2. Every candidate who wishes to stand for election to the Office of the President shall fill up a nomination paper in Form 'A' annexed to these rules, signed by the proposer and seconder and subscribed by him as assenting to the nomination and deliver the same to the person convening the meeting under Rule I (2) *supra*, five days before the date of the meeting at which the election is to take place.

3. The names of the candidates shall be notified at the Municipal Office Notice Board at least three days before the day fixed for the holding of the election.

4. Any candidate may withdraw his candidature by notice in writing delivered to the presiding authority before the election has commenced. Once a candidate has withdrawn his candidature, he shall not be allowed to cancel such withdrawal.

5. The following procedure shall be adopted in conducting the election :—

(i) If there is only one candidate duly nominated, there shall be no ballot and he shall be declared to have been elected.

(ii) If there are two or more candidates, votes of the Councillors present shall be taken by ballot.

(iii) At the place set apart for voting, the presiding authority shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being opened.

(iv) The presiding authority shall, immediately before the votes are taken, show the ballot box empty to such of the Councillors as may be present so that they may see that it is empty and shall then lock it up and place his seal upon it in such a manner as to prevent its being opened without breaking such seal.

(v) Every Councillor wishing to vote shall be supplied with a voting paper as in Form 'B' bearing the seal of the Municipal Council, on which the names of all the candidates shall be printed or typed or written in English or Kannada. The voter shall then proceed to the place set apart for the purpose and there place a mark (X) against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and deposit the same in the ballot box.

(vi) The presiding authority shall cause such arrangements to be made as will prevent the Councillors who have already voted from having access to the Councillors who are yet to vote.

(vii) The presiding authority shall then open, in the presence of the Councillors present, the ballot box, take out the ballot papers therefrom, count them, and

record the number thereof in a statement. A ballot paper shall be rejected if it :—

(*a*) bears any mark by which the voter can be identified, or

(*b*) does not bear the official stamp prescribed in sub-rule (v).

(*c*) contains the mark (X) against more than one name or the mark placed in an ambiguous manner.

The presiding authority shall then declare the results in accordance with the following instructions :—

(i) if there are only two candidates, the one who secures the larger number of votes shall be declared to have been elected. In the event of there being an equality of votes between the two candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the candidate whose name is first drawn shall be declared to have been duly elected.

(ii) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates, or if two or more candidates lowest on the list have obtained an equal number of votes, the presiding authority shall ascertain by drawing lots in the presence of Councillors which of such candidates shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate, who secures the larger number of votes shall be declared to have been elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the presiding authority shall draw lots in the persence of the Councillors and the candidate whose name is first drawn shall be declared to have been duly elected.

7. Immediately after the meeting, the presiding authority shall :—

(*a*) Prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein ; and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so ; and

(*b*) forward the name of the person elected as the President or Vice-President to the Commissioner for

Local Self-Government in Mysore through the Deputy Commissioner of the District, for being submitted to Government for publication in the *Mysore Gazette*.

8. (1) The presiding authority shall then make up into separate packets the ballot papers relating to each candidate, whether counted or rejected, seal up each packet and note thereon a description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened, and their contents shall not be inspected or produced except on an enquiry under Rule 11.

(3) The packets shall be retained in safe custody in the Municipal Office for one year and shall then, unless otherwise directed by the orders of a competent authority, be destroyed.

9. The President thus elected shall enter upon his duties forthwith in case there is no elected President, and after the expiry of the term of the elected President in office in other cases. The same rule applies also to the Vice-President so elected.

10. The validity of the election may be contested within seven days from the date of election by an appeal signed by at least three Councillors and filed before the Deputy Commissioner and shall allege specific grounds for setting aside the election.

11. Upon receipt of such petition, an enquiry into the validity of such objection or objections shall be held by the Deputy Commissioner or other officer appointed for the purpose, and upon the conclusion of the enquiry, the Deputy Commissioner shall report the proceedings together with his opinion to Government through the Commissioner for Local-Self Government. It will thereupon be open to Government to pass orders declaring the election to be invalid.

FORM 'A'

TOWN MUNICIPAL COUNCIL OF.....

Nomination for the Office of the President/Vice-President Town Municipal Council.....

We the undersigned, nominate.....as a candidate for the Office of the President/Vice-President.....

.....

1. Signature of proposer.....
2. Signature of seconder.....

Date.....

I hereby declare that I agree to this nomination.

Date..... .....

Signature of the candidate.

FORM 'B'

TOWN MUNICIPAL COUNCIL OF .....

Ballot paper for the election to the Office of the President/Vice-President, Town Municipal Council..... to be held on.....

COUNTERFOIL	FOIL		
Sl. No.....	Sl. No.	Name of the candidate	Voter's Mark

N.B.:—1. Place a cross mark thus (X) against the candidate for whom you wish to vote.

2. The mark should be placed against only one name.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

No. L.S. 3061—L.W. 22 51-10, dated Bangalore, 8th November 1951.

In exercise of the powers conferred by Section 49, 50 and Section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), His Highness the Maharaja of Mysore is pleased to make the following rules, the same having been previously published in the *Mysore Gazette* dated the 10th May 1951, as required by Section 115 of the said Act.

WELFARE OFFICERS (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 1951.

1. *Short Title and Commencement.*—(1) These Rules may be called Welfare Officers (Recruitment and Conditions of Service) Rules, 1951.

(2) They shall come into force on such date as the Government may by notification in the *Mysore Gazette*, appoint in this behalf.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(*a*) 'Act' means the Factories Act, 1948 (LXIII of 1948);

(*b*) the expressions, 'factory' and 'occupier' have the meanings respectively assigned to them in the Act.

3. *Number of Welfare Officers.*—Within six months oft he date specified in a notification issued under sub-rule (2) of rule 1 the occupier of every factory where five hundred or more workers are ordinarily employed, shall appoint at least one Welfare Officer; provided that, where the number of workers exceed two thousand one Welfare Officer shall be appointed for every two thousand workers or a fraction thereof.

4. *Qualifications.*—A person shall not be eligible for appointment as a Welfare Officer, unless he—

(*a*) possesses a degree of a University recognised by the State Government in this behalf;

(*b*) has obtained a Degree or Diploma in Social Science from any institution recognised by the State Government in this behalf; and

(*c*) has adequate knowledge of the language spoken by the majority of the workers in the factory to which he is to be attached:

Provided that, in the case of a person who is acting as a Welfare Officer at the commencement of these rules,

the State Government may, subject to such conditions as it may specify, relax all or any of the aforesaid qualifications.

5. *Recruitment of Welfare Officers.*—(1) The post of a Welfare Officer shall be advertised in all the prominent newspapers of the State.

(2) The selection shall be made from among the candidates applying for the post by a Committee appointed by the occupier of the factory.

(3) the appointment when made shall be notified by the occupier to the State Government or such authority as the State Government may specify for the purpose giving full details of the qualification, etc., of the officer appointed and the canditions of his service.

6. *Conditions of service of Welfare Officers.*—(1) A Welfare Officer shall be given appropriate status corresponding to the status of a departmental head of the factory.

(2) The conditions of service of a Welfare Officer shall be the same as of other members of the staff of corresponding status in the factory; provided that, in the case of discharge or dismissal, the Welfare Officer shall have a right of appeal to the State Government within thirty days of the receipt of the discharge or dismissal; the State Government may, after an examination of the case, order the immediate reinstatement of such officer.

(3) In case the employer is not agreeable to reinstate any discharged or dismissed Welfare Officer, such officer shall be entitled to such immediate payment of compensation as the Government may determine, provided that the same shall not exceed one month's salary of the officer for every year's service, subject, in any case, to a maximum of six months' salary.

(4) The orders of Government regarding reinstatement of the said officer or, in the alternative, the amount of compensation, shall be final and binding upon the occupier.

7. *Duties of Welfare Officers.*—The duties of a Welfare Officer shall be—

(i) to promote harmonious relations between the factory management and workers;

(ii) to bring to the notice of the factory management the grievances of workers, individual as well as collective, with a view to securing their expeditious redress and to act as a negotiating officer with trade unions;

(iii) to study and understand the point of view of labour in order to help the factory management to shape and formulate labour policies and to interpret these policies to the workers in a language they can understand;

(iv) to watch industrial relations with a view to using his influence in the event of a dispute arising between the factory management and workers and to help to bring about a settlement by conciliation and arbitration;

(v) to deal with wage and employment matters by joint consultations with the factory management and workers' representative bodies;

(vi) to exercise a restraining influence over workers going on illegal strikes and over managements declaring illegal lockouts, and to help in preventing anti-social activities;

(vii) to maintain a neutral attitude during legal strikes or lockouts and to help in bringing about a peaceful settlement;

(viii) to ensure fulfilment on the part of the factory management of obligations, statutory or otherwise, concerning the application of provisions of the Factories Act, 1948 and the rules made thereunder, and to establish liaison with the Factory Inspector and the Medical Services concerning medical examinations of employees, health records, supervision of hazardous jobs, sick visiting and convalescence, accident prevention and supervision of safety committees, systematic plant inspection, safety education, investigation of accidents, maternity benefits and workmen's compensation;

(ix) to promote relations between factory management and workers which will ensure productive efficiency as well as amelioration in the working conditions and to help workers to adjust and adapt themselves to their working environments;

(x) to encourage the formation of Works and Joint Production Committees, Co-operative Societies and Safety-First and Welfare Committees, and to supervise their work;

(xi) to secure provision of amenities, such as canteens, shelters for rest, creches, adequate latrine facilities drinking water, sickness and benevolent scheme payments, pension and superannuation funds, gratuity payments, granting of loans, and legal advice to workers;

(xii) to help the factory management in regulating the grant of leave with wages and explain to the workers

the provisions relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of application for grant of leave for regulating authorised absence ;

(xiii) to secure welfare provisions, such as housing facilities, foodstuffs, social and recreational facilities, sanitation, advice on individual personal problems and education of children ;

(xiv) to advise the factory management on questions relating to training of new starters, apprentices, workers on transfer and promotion, instructors and supervisors, supervision and control of notice board and information bulletins to further education of workers and to encourage their attendance at Technical Institutes ;

(xv) to suggest measures which will serve to raise the standard of living of workers and in general promote their well-being.

8. *Powers of Exemption.*—The State Government may by notification in the official Gazette, exempt any factory or class or description of factories from the operation of all or any of the provisions of these rules subject to compliance such alternative arrangements as may be approved.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. R. 8309—L.S. 103-50-5, dated Bangalore, 7th November 1951.

In exercise of the powers conferred by Section 12 of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950 (XIX of 1950), His Highness the Maharaja of Mysore is pleased to make the following rules :—

1. (1) These rules may be called the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Rules, 1951.

(2) They shall come into force at once.

2. In these Rules, (1) "Act" means the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950;

(2) "Form" means a form appended to these Rules;

and (3) all other expressions have the same meaning as in the Act.

3. An application by a superior holder for the approval of the Deputy Commissioner under sub-section (1) of the section 6 or sub-section (1) of Section 7 of the Act or an application by any person for confirmation of transaction under the proviso to sub-section (2) of Section 6 of the Act shall be made to the Deputy Commissioner in Form 1.

4. (1) On receipt of an application under Rule 3, the Deputy Commissioner after making such verification of the particulars mentioned therein as he deems fit, shall cause a notice to be issued in Form 2, calling for objections from the co-sharers of the alienated village, and the tenants of the lands in question and from such other persons who in the opinion of the Deputy Commissioner, are interested in or likely to be affected by the grant or refusal of the request in the application, to prefer their objections in writing to the Deputy Commissioner, within one month from the date of publication of such notice in the village in which the land is situated.

(2) A copy of the notice issued under sub-rule (1) shall be affixed on the Notice Board of the Offices of the Deputy Commissioner and of the Amildar of the taluk in which the land is situated and the contents of the notice shall also be published by beat of drum in the village in which the land is situated.

5. (1) If no objection is received within the period specified in the notice issued under Rule 4, the Deputy Commissioner shall decide the case on merits after obtaining such further information as he deems necessary. If the request of the applicant is refused, the order of the Deputy Commissioner shall state the points for determination and the findings thereon with brief reasons.

(2) If objections are received within the period specified in the notice under Rule 4, then the Deputy Commissioner shall hold an enquiry. He shall record the statement of the parties, hear the applicant, all the

persons who have preferred the objections and such other persons whom he considers necessary to examine, and shall pass orders granting or rejecting the request of the applicant. The order of the Deputy Commissioner shall state the points for determination and his findings thereon with brief reasons.

6. (1) An application for permission under sub-section (1) of Section 8 of the Act shall be made to the Deputy Commissioner in Form 3. On receipt of such application, the Deputy Commissioner shall cause the particulars to be verified in such manner as he deems fit and shall issue a public notice in Form 2, calling upon all persons interested or likely to be affected by the grant of permission to prefer their claims or objections, if any, in writing to the Deputy Commissioner within one month from the date of publication of the notice in the village. The notice shall be published in the manner prescribed in sub-rule (2) of Rule 4. A copy of the notice shall also be served on the tenant, if any, of the land on which the tree is standing and also on such other persons who in the opinion of the Deputy Commissioner, are likely to be interested in the grant or refusal of the permission.

(2) On the expiry of the period specified in the notice issued under sub-rule (1), the Deputy Commissioner shall enquire into the objections, if any, and dispose of the case on merits after giving a reasonable opportunity to the applicant, the persons from whom objections have been received and such other persons who in the opinion of the Deputy Commissioner, are interested in the proceedings to represent their case. The order passed by the Deputy Commissioner shall state the points for determination and findings thereon with brief reasons.

FORM 1.

(*Rule 3*).

To

The Deputy Commissioner,

.....District.

I .... son of ..... inhabitant of ..... in the taluk of..... ..... in.....District, (proprietor of.. .... Sarvamanya/Jodi/Khayamgutta Village, request that (×1) permission may be granted to me under sub-section (1) of Section 6—7 of the Mysore Alienated Villages—(Protection of Tenants and Miscellaneous Provisions) Act, 1950 (Mysore Act XIX of 1950) to sell/mortgage/lease/..... or appropriate the land for ...../(×2) that sale/mortgage/lease/assignment/made in his favour in respect of the land described in detail hereunder may be confirmed under the proviso to sub-section (2) to Section 6 of the Act.

SCHEDULE.

1. District
2. Taluk.
3. Hobli.
4. Village.
5. Tenure of the village—whether Khayamgutta, Jodi, or Sarvamanya.
6. Whether the village is surveyed and settled or not.
7. Description of the land the sale/mortgage/lease in respect of which is to be confirmed or proposed to be transferred or appropriated.

(*a*) Survey Number or Field Number or other description to identify the land with boundaries.

(*b*) Extent.

(*c*) Classification—Dry, Wet or Garden.

(*d*) Assessment or Rent that is paid annually.

(*e*) The Tenant in whose possession the land is (or was before the sale/mortgage/lease).

(*f*) Conditions subject to which and period for which the land is or had been leased out to that Tenant.

(*g*) If the land is a reserved land, purpose for which it is reserved.

8. The extent proposed to be transferred, extent proposed to be appropriated for non-agricultural purposes or—extent sought to be confirmed as the case may be.

9. The nature of transaction, the terms subject to which and the value for which the extent is so proposed to be transferred, appropriated or confirmed as the case may be.

10. The reasons for such transfer or appropriation and the grounds on which the confirmation is urged.

11. The person in whose favour the land is proposed to be transferred or appropriated and the person from whom it was purchased (to be furnished in the case of application for confirmation).

12. Date of transaction sought to be confirmed.

13. Details of the registration of documents, if the transaction is registered under the provisions of the Indian Registration Act.

14. Names of persons having any other interest in the land in question.

15. Remarks.

.....

Signature of the applicant, and address.....

Dated.....

NOTE.—(1) The portion in brackets to be retained and information furnished in case of applications for permission under Sections 6 and 7 for transfer of lands and appropriation of lands for non-agricultural purposes.

(2) In case of applications for transfer and appropriation into non-agricultural purposes (×1) to be retained and (×2) to be struck off. In case of applications for confirmation of transaction (×2) to be retained and (×1) to be struck off.

FORM 2.

(*Rule 4*).

WHEREAS .....
son of.....resident.....
has made an application to me under Sections 6/7/8 of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous—Provisions) Act, 1950—(Mysore Act XIX of 1950) for grant of permission to transfer/to appropriate for non-agricultural purposes in favour of ... ./for confirmation of the sale/in respect of ..../for being permitted to dispose of the trees standing in the land described hereunder, it is hereby notified for the information of the co-sharers of the alienated village, tenants of the land in question and other interested persons that they may prefer their objections, if any, to the grant of such permission or confirmation sought for, to the Deputy Commissioner within one month from the date of publication of this notice in the village, in writing together—with the grounds of such objections in person or by Agent or Pleader duly authorised in this behalf.

Claims preferred after the date are liable to be rejected.

Dated the.....day of.....

Deputy Commissioner,

.....District.

FORM 3.

(Rule 6).

To

The Deputy Commissioner,

.....District.

I ..... son of ..... inhabitant of .....in the taluk of ....in..... District, request that permission may be granted to me—under Section 8 of the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, (Mysore Act XIX of 1950) to fell or lop or sell the trees standing on the land described hereunder for the reasons given below.

SCHEDULE.

1. District.
2. Taluk.
3. Hobli.
4. Village.
5. Survey number or other land in which the trees proposed to be disposed of are standing—boundaries also to be given.
6. In whose possession the land on which the trees are standing is (name of the Tenant, if any, should be furnished) and whether any conditions are attached to such tenancy.
7. Whether any rights over the trees proposed to be disposed of have been conceded to the Tenant or any other person.
8. Number and kind of trees proposed to be disposed of noting the probable value of each tree.
9. Reasons for felling or disposal of the trees otherwise.
10. Remarks.

.....

Signature and address of the applicant.

Dated.....

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.

No. L.S. 3160—L.W. 193-51-1, dated Bangalore, 13th November 1951.

The following draft of certain amendments to the Industrial Disputes (Mysore) Rules, 1951, which it is proposed to make in exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), is hereby published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration after 20th November 1951.

Any objection or suggestion which may be received from any person with respect to the said draft on or before the date specified will be considered by the State Government and the objections or suggestions may be sent to the Secretary to Government, Law Department, Old Public Offices, Post Bag No. 5, Bangalore—1.

Draft Amendment

(1) For the words " and Tribunals " occurring at the end of the heading of Part II of the Industrial Disputes (Mysore) Rules, 1951, the words " Tribunals and qualifications of members of the Tribunals " shall be substituted.

(2) After Rule 5 of the said rules the following rule shall be inserted.—

" 5A. *Qualifications of Members of Industrial Tribunals.*—Where an Industrial Tribunal consists of two or more members every such member (other than the Chairman) shall be a person who- -

(1) in the opinion of the State Government :—

(*a*) is an expert in economic or financial matters ; or

(*b*) has had experience of problems relating to labour or industry for not less than five years ; or

(2) has been a presiding officer for not less than three years of any Court or Tribunal set up for the settlement or adjudication of industrial disputes, or

(3) has at least for seven years been an advocate of the High Court of Mysore; or

(4) has at least for seven years been a presiding officer of any Civil Court.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, WEDNESDAY, NOVEMBER 14, 1951

NOTIFICATION.

No. E.B. 6746—Eln. 109-51-1, dated Bangalore, the 14th November 1951.

In exercise of the powers conferred by Section 56 of the Representation of the People Act, 1951 (Central Act No. XLIII of 1951), His Highness the Maharaja of Mysore is pleased to fix the hours from 8 A.M. to 12 NOON and from 1 P.M. to 5 P.M. to be the hours during which poll will be taken.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

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PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, MONDAY, NOVEMBER 19, 1951

PART IV

Section 1-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1556—Legis. 4-51-75, dated Bangalore, 19th November 1951.

Ordered that the Employees' Provident Funds Ordinance, 1951 (Central Ordinance No. VIII of 1951), published in the *Gazette of India*, Part II, Section I, dated the 15th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

THE EMPLOYEES' PROVIDENT FUNDS ORDINANCE, 1951.

No. VIII OF 1951.

An Ordinance to provide for the institution of provident funds for employees in factories and other establishments.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title, extent, commencement and application.—(1) This Ordinance may be called the Employees' Provident Funds Ordinance, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

(4) It applies in the first instance to all factories engaged in any industry specified in Schedule I in which fifty or more persons are employed, but the Central Government may, after giving not less than two months' notice of its intention so to do, by notification in the official Gazette, apply the provisions of this Ordinance to all factories employing such number of persons less than fifty as may be specified in the notification, and engaged in any such industry.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(*a*) "appropriate Government" means—

(i) in relation to a factory under the control of the Central Government or a railway administration or the administration of a major port or a factory engaged in a controlled industry or in an industry connected with a mine or an oilfield, the Central Government, and

(ii) in relation to any other factory, the State Government;

(*b*) "basic wages" means all remuneration which is earned by an employee while on duty or on leave with wages in accordance with the terms of the contract of employment and which is paid or payable in cash to him, but does not include—

(i) the cash value of any food concession;

(ii) any dearness allowance (that is to say, all cash payments by whatever name called paid to an employee on account of a rise in the cost of living), house rent allowance, overtime allowance, bonus, commission or any other similar allowance payable to the employee in respect of his employment or of work done in such employment;

(iii) any presents made by the employer;

(*c*) "contribution" means a contribution payable in respect of a member under a Scheme;

(*d*) "controlled industry" means any industry the control of which by the Union has been declared by a Central Act to be expedient in the public interest;

(*e*) "employer" means—

(i) in relation to a factory under the control of any department of the Central Government or of any State Government, the authority appointed by such Government in this behalf, or, where no authority is so appointed, the head of the department;

(ii) in any other factory, the owner or occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier, and, where a person has been named as a manager of the factory under clause (*f*) of sub-section (1) of section 7 of the Factories Act, 1948 (LXIII of 1948), the person so named;

(*f*) "employee" means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of a factory, and who gets his wages directly or indirectly from the employer, and includes any person employed by or through a contractor in or in connection with the work of the factory;

(*g*) "factory" means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or ordinarily so carried on, whether with the aid of power or without the aid of power;

(*h*) "Fund" means the provident fund established under a Scheme;

(*i*) "industry" means any industry specified in Schedule I, and includes any other industry added to the Schedule by notification under section 4;

(*j*) "member" means a member of the Fund;

(*k*) "occupier of a factory" means the person who has ultimate control over the affairs of the factory, and, where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory;

(*l*) "Scheme" means a Scheme framed under this Ordinance.

3. Power to apply Ordinance to establishment which has a common provident fund with a factory.—Where immediately before this Ordinance becomes applicable to a factory there is in existence a provident fund which is common to the employees employed in a factory to which this Ordinance applies and employees in any other establishment, the Central Government may, by notification in the official Gazette, direct that the provisions of this Ordinance shall also apply to that establishment, and thereupon the establishment shall be deemed to be a factory for all the purposes of this Ordinance.

4. Power to add to Schedule I.—The Central Government may, by notification in the Official Gazette, add to Schedule I any other industry in respect of the employees in which it is of opinion that a provident fund scheme should be framed under this Ordinance, and thereupon the industry so added shall be deemed to be an industry specified in Schedule I for the purposes of this Ordinance.

5. Employees' Provident Fund Schemes.—The Central Government may, by notification in the Official Gazette, frame a Scheme to be called the Employees' Provident Fund Scheme for the establishment of provident funds under this Ordinance for employees or for any class of employees and specify the factories or class of factories to which the said Scheme shall apply.

6. Contributions and matters which may be provided for in Schemes.—(1) The contribution which shall be paid by the employer to the Fund shall be six and a quarter per cent of the basic wages and the dearness allowance payable to each of the employees, and the employee's contribution shall be equal to the contribution payable by the employer in respect of him and may, if any employee so desires and if the Scheme makes provision therefor, be an amount not exceeding eight and one-third per cent of his basic wages and dearness allowance :

Provided that where the amount of any contribution payable under this Ordinance involves a fraction of a rupee, the Scheme may provide for the rounding off of such fraction to the nearest rupee, half of a rupee or quarter of a rupee.

Explanation.—For the purposes of this sub-section; dearness allowance shall be deemed to include also the cash value of any food concession allowed to the employee.

(2) Subject to the provisions contained in sub-section (1), any Scheme may provide for all or any of the matters specified in Schedule II.

7. Modification of a Scheme.—The Central Government may, by notification in the Official Gazette, add to, amend or vary any Scheme framed under this Ordinance.

8. Mode of recovery of moneys due from employers.—Any amount due from an employer in respect of any contribution payable under this Ordinance or towards the cost of administering the Fund payable by him under any Scheme may, if it is in arrear, be recovered by the appropriate Government in the same manner as an arrear of land revenue.

9. Fund to be recognised under Act XI of 1922.—For the purposes of the Indian Income-tax Act, 1922 (XI of 1922), the Fund shall be deemed to be a recognised provident fund within the meaning of Chapter IXA of that Act.

10. Protection against attachment.—(1) The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member and neither the official assignee appointed under the Presidency-towns Insolvency Act, 1909 (III of 1909), nor any receiver appointed under the Provincial Insolvency Act, 1920 (V of 1920), shall be entitled to, or have any claim on, any such amount.

(2) Any amount standing to the credit of any member in the Fund at the time of his death and payable to his nominee under the Scheme shall, subject to any deduction authorised by the said Scheme, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or incurred by the nominee before the death of the member.

11. Priority of payment of contributions over other debts.—The amount due in respect of any contribution under this Ordinance or under any Scheme

and any charges incurred in respect of the administration of the Fund under any Scheme shall, where the liability therefor has accrued before the person liable is adjudicated insolvent, or, in the case of a company ordered to be wound up, before the date of such order, be deemed to be included among the debts which under section 49 of the Presidency-towns Insolvency Act, 1909 (III of 1909), or under section 61 of the Provincial Insolvency Act, 1920 (V of 1920) or under section 230 of the Indian Companies Act, 1913 (VII of 1913) are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.

12. Employer not to reduce wages.—No employer shall, by reason only of his liability for any contribution payable under this Ordinance, reduce, whether directly or indirectly, the wages of any employee, or, except as provided by any Scheme, discontinue or reduce any benefit (similar to any benefit conferred by this Ordinance or by any Scheme) to which the employee is entitled under the terms of his employment.

13. Inspectors.—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Ordinance or of any Scheme, and may define their jurisdiction.

(2) Any Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with this Ordinance or a Scheme or for the purpose of ascertaining whether any of the provisions of this Ordinance or of any Scheme have been complied with—

(*a*) require an employer to furnish such information as he may consider necessary in relation to the Scheme ;

(*b*) at any reasonable time enter any factory or any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payments of wages in the factory ;

(*c*) examine, with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the factory or any premises connected therewith or whom the Inspector has reasonable cause to believe to be, or to have been, an employee in the factory ;

(*d*) make copies of, or take extracts from, any book, register or other documents maintained in relation to the factory ;

(*e*) exercise such other powers as the Scheme may provide.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

14. Penalties.—(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Ordinance or under any Scheme or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) A Scheme framed under this Ordinance may provide that any person who contravenes, or makes default in complying with, any of the

provisions thereof shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(3) No court shall take cognizance of any offence punishable under this Ordinance or under any Scheme except on a report in writing of the facts constituting such offence made by an Inspector appointed under section 13, with the previous sanction of such authority as may be specified in this behalf by the Central Government.

15. Special provisions relating to existing provident funds.—(1) Every employee who is a subscriber to any provident fund established by the employer and in existence at the commencement of this Ordinance shall, pending the framing of a Scheme in respect of the factory in which he is employed, continue to be entitled to the benefits accruing to him under the provident fund, and the provident fund shall continue to be maintained in the same manner and subject to the same conditions as it would have been if this Ordinance had not been passed.

(2) On the framing of any such Scheme as is referred to in sub-section (1), the accumulations standing to the credit of the employees in the provident fund shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred to the Fund established under the Scheme, and shall be credited to the accounts of the employees entitled thereto in the Fund.

16. Ordinance not to apply to infant factories for certain period.—Notwithstanding any other provision contained in this Ordinance, this Ordinance shall not apply to any factory established whether before or after the commencement of this Ordinance unless three years have elapsed from its establishment.

17. Power to exempt.—The appropriate Government may, by notification in the Official Gazette, and subject to such canditions as may be specified in the notification, exempt from the operation of this Ordinance or of any Scheme—

(*a*) any factory under the control of the Government or of any local authority, if, in the opinion of the appropriate Government, the employees in such factory are otherwise in enjoyment of provident fund or old age pension benefits which are on the whole not less favourable to the employees than the benefits provided under this Ordinance or under any Scheme in relation to employees in any factory of a similar character.

(*b*) any other factory having a provident fund, if the rules of the provident fund with respect to contributions are in conformity with, or are more favourable to the employees therein than, those specified in this Ordinance, and if, in the opinion of the appropriate Government, the employees are otherwise in enjoyment of provident fund benefits generally which are on the whole not less favourable to the employees than the benefits provided under this Ordinance or under any Scheme in relation to employees in any factory of a similar character.

Explanation.—The following conditions shall be deemed to be always included in the conditions which may be specified in a notification under clause (*b*), namely :—

(i) the amount of accumulations in the provident fund shall be invested in such manner as the Central Government may direct;

(ii) the amount of accumulations to the credit of an employee in the provident fund shall, where he leaves his employment and obtains re-employment in another factory to which this Ordinance applies within such time as may be specified in this behalf by the Central Government, be transferred to the credit of his account in the Fund established under the Scheme applicable to the factory;

(c) any class of persons employed in any factory, if the Central Government is of opinion that such class of persons is entitled to old age pension benefits which are on the whole not less favourable to such persons than the benefits provided under this Ordinance or under any Scheme in relation to persons employed in any factory of a similar character:

Provided that no notification under clause (c) shall be issued unless the Central Government is satisfied that the majority of persons so employed desire to continue to be entitled to such old age pension benefits.

18. Protection for acts done in good faith.—No suit or other legal proceeding shall lie against an Inspector or any other person in respect of anything which is in good faith done or intended to be done under this Ordinance or under any Scheme.

19. Delegation of powers to the State Government.—The Central Government may, by notification in the Official Gazette, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of the Ordinance or of any Scheme as may be specified in the notification shall, subject to such conditions and restrictions as may be so specified, be exercisable also by any State Government.

SCHEDULE I

[*See* sections 2(i) and 4]

Any industry engaged in the manufacture or production of any of the following, namely:—

Cement.

Cigarettes.

Electrical, mechanical or general engineering products.

Iron and steel.

Paper.

Textiles (made wholly or in part of cotton or jute or silk, whether natural or artificial).

SCHEDULE II

[*See* section 6(*2*)]

MATTERS FOR WHICH PROVISIONS MAY BE MADE IN A SCHEME.

1. The employees or class of employees who shall join the Fund, and the conditions under which employees may be exempted from joining the Fund or from making any contribution.

2. The time and manner in which contributions shall be made to the Fund by employers and by, or on behalf of, employees, the contributions which an employee may, if he so desires, make under sub-section (1) of section 6, and the manner in which such contributions may be recovered.

3. The payment by the employer of such sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.

4. The constitution of boards of trustees for the administration of Funds, each of which shall consist of—

(*a*) nominees of the Central Government;

(*b*) nominees of such State Governments as the Central Government may, having regard to jurisdiction of the board, specify in this behalf;

(*c*) representatives of the employers and employees concerned, nominated by the Central Government after consultation with the employers and employees concerned or with such of their respective organisations as are representative of their interests, provided that the number of representatives of the employees shall in no case be less than the number of representatives of the employers.

5. The number of trustees on any board, the terms and conditions subject to which they may be nominated, the time, place and procedure of meetings of the board, the appointment of officers and other employees of the board, and the opening of regional and other offices.

6. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any directions issued or conditions specified by the Central Government, the preparation of the budget, the audit of accounts and the submission of reports to the Central Government or to any specified State Government.

7. The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.

8. The fixation by the Central Government in consultation with the boards of trustees concerned of the rate of interest payable to members.

9. The form in which an employee shall furnish particulars about himself and his family whenever required.

10. The nomination of a person to receive the amount standing to the credit of a member after his death and the cancellation or variation of such nomination.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, TUESDAY, NOVEMBER 6, 1951

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 5145—L.A., Bangalore, dated 6th November 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,

Secretary,
Mysore Legislature.

THE MYSORE APPROPRIATION No. 4 BILL, 1951.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Appropriation No. 4 Act, 1951.

Issue of Rupees 1,33,54,425 out of the Consolidated Fund of the State for the year 1950-51.

2. From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of One hundred and thirty-three lakhs fifty-four thousand and four hundred and twenty-five rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, one thousand nine hundred and fifty-two.

SCHEDULE.

No. of vote	Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the consolidated fund
1	2	3	4
	A. Expenditure met from Revenue.	Rs.	Rs.
7	13 Other Taxes and Duties ...	2,130	...
8	18 Other Revenue Expenditure financed from ordinary Revenue.	17,50,000	...
9	19 Construction of I.N.E. and D. Works	50,000	...
10	22 Interest on Debt and other obligations.	5,000	...
11	25 General Administration ...	46,070	2,00,000
13	25 Do	46,000	...
14	27 Administration of Justice ...	22,500	...
16	29 Police	1,10,000	...
28	47 Miscellaneous Departments ...	1,40,290	...
29	50 Civil Works	14,22,600	...
29-A	54 Famine Relief	100	...
31	55 Superannuation Allowances and Pensions.	37,500	...
32	56 Stationery and Printing ...	83,635	...
33	57 Miscellaneous	1,72,000	...
37	XXXII. Industries and Supplies(a) Industries—Working Expenses.	88,000	...
38	XLI. Receipts from Electricity Schemes-Working Expenses.	10,00,000	...
	B. Capital outlay not met from Revenue.		
40	68 Construction of I.N.E. and D. Works outside the Revenue Accounts.	9,00,000	...
42	72 Capital Outlay on Industrial Development.	3,600	...
45	85-A Capital Outlay on Provincial Schemes of State Trading.	20,00,000	...
	Public Debt.		
45-A	N. Public Debt—Discharged ...	...	51,000,00
	C. Disbursement of Advances and Loans.		
46	Advances and Loans	1,75,000	...
	Total ...	80,54,425	53,00,000

Statement of Objects and Reasons.

This Bill is introduced in pursuance of Article 204 (1) of the Constitution of India, read with Article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of the moneys required to meet the grants made by the State Legislative Assembly for expenditure of the State Government for 1951-52.

H. C. DASAPPA.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, NOV. 15, 1951 [No. 45

PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1497—Legis. 4-51-61, dated Bangalore, 5th November 1951.

Ordered that the Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951 (Central Ordinance VI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 29th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

THE INDIAN INDEPENDENCE PAKISTAN COURTS (PENDING PROCEEDINGS) ORDINANCE, 1951.

No. VI OF 1951

An Ordinance to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

Registered No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, NOV. 8, 1951 [No. 44

PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1483—Legis. 4-51-57, dated Bangalore, 1st November 1951.

Ordered that the Employees' State Insurance (Amendment) Act, 1951 (Central Act No. LIII of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 6th October 1951

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE EMPLOYEES' STATE INSURANCE (AMENDMENT) ACT, 1951.

(LIII OF 1951.)

AN

ACT

to amend the Employees' State Insurance Act, 1948.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Employees' State Insurance (Amendment) Act, 1951.

2. **Amendment of section 1, Act XXXIV of 1948.**—In section 1 of the Employees State Insurance Act, 1948 (hereinafter referred to as the principal Act),—

(*a*) in sub-section (*2*), for the words and letter "except Part B States" the words "except the State of Jammu and Kashmir" shall be substituted;

(*b*) in sub-section (*3*), for the words "for different States" the words "for different States or for different parts thereof" shall be substituted;

(*c*) in sub-section (*5*), for the words "with the approval of the Central Government" the words "where the appropriate Government is a State Government, with the approval of the Central Government" shall be substituted.

3. **Amendment of section 2, Act XXXIV of 1948.**—In section 2 of the principal Act,—

(*a*) for clause (*2*) the following clause shall be substituted, namely:—

'(*2*) "benefit period" means such period, being not less than twenty-five but not exceeding twenty-seven consecutive weeks or six consecutive months corresponding to the contribution period, as may be specified in the regulations:

Provided that in the case of the first benefit period a longer or shorter period may be specified by or under the regulations;';

(*b*) for clause (5) the following clause shall be substituted, namely:—

'(*5*) "contribution period" means such period, being not less than twenty-five but not exceeding twenty-seven consecutive weeks or six consecutive months, as may be specified in the regulations:

Provided that in the case of the first contribution period a longer or shorter period may be specified by or under the regulations;';

(*c*) in clause (*12*),—

(*i*) in the definition of "factory", the words "or a railway running shed" shall be added at the end; and

(*ii*) for the figures "1934", the figures "1948" shall be substituted;

(*d*) in clause (*15*), for the figures "1934", the figures "1948" shall be substituted;

(*e*) in clause (*17*), in sub-clause (*i*), for the words, brackets, letter and figures "clause (*e*) of sub-section (*1*) of section 9 of the Factories Act, 1934", the words and figures "the Factories Act, 1948" shall be substituted;

(*f*) in clause (*22*), for the words "paid at regular intervals after the last day of the wage period", the words "paid at intervals not exceeding two months" shall be substituted.

4. **Amendment of section 4, Act XXXIV of 1948.**—In section 4 of the principal Act, in clause (*d*), for the words and letter "Part A States" the words and letters "Part A States and Part B States in which this Act is in force" shall be substituted.

5. **Amendment of section 8, Act XXXIV of 1948.**—In section 8 of the principal Act,—

(*a*) after clause (*b*) the following clause shall be inserted, namely:—

"(*bb*) three members of the Corporation representing such three State Governments thereon as the Central Government may, by notification in the official Gazette, specify from time to time;";

(*b*) in clause (*c*),—

(*i*) for the word "nine", the words "six" shall be substituted; and

(*ii*) sub-clause (*i*) shall be omitted.

6. Amendment of section 9, Act XXXIV of 1948.—In section 9 of the principal Act, for the word, brackets and letter "clause (*b*)", in both the places where they occur, the words, brackets and letters "clause (*b*) or clause (*bb*)" shall be substituted.

7. Amendment of section 10, Act XXXIV of 1948.—In section 10 of the principal Act, in clause (*d*) of sub-section (*1*), for the words and letters "Part A States", the words and letters "Part A States and Part B States in which this Act is in force" shall be substituted.

8. Amendment of section 12, Act XXXIV of 1948.—Section 12 of the principal Act shall be renumbered as sub-section (*1*) thereof, and after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) Where in the opinion of the Central Government any person nominated or elected to represent employers, employees or the medical profession on the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, has ceased to represent such employers, employees or the medical profession, the Central Government may, by notification in the official Gazette, declare that with effect from such date as may be specified therein such person shall cease to be a member of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be."

9. Amendment of section 22, Act XXXIV of 1948.—In clause (*a*) of section 22 of the principal Act, for the words "the Corporation, the Standing Committee and the Medical Commissioner" the words "Corporation and the Standing Committee" shall be substituted.

NOTIFICATION.

No. L.D. 1484—Legis. 4-51-59, dated Bangalore, 1st November 1951.

Ordered that the Companies (Donations to National Funds) Act, 1951 (Central Act No. LIV of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 18th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Received assent on 17th October 1951.

GOVERNMENT OF INDIA

THE COMPANIES (DONATIONS TO NATIONAL FUNDS) ACT, 1951.

(LIV OF 1951).

AN

ACT

to enable companies to make donations to national funds.

BE it enacted by Parliament as follows :—

1. Short title and extent.—(*1*) This Act may be called the Companies (Donations to National Funds) Act, 1951.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act,—

(*a*) "company" means a company as defined in section 2 of the Companies Act, and includes a company deemed to be incorporated and registered under that Act by virtue of section 2B thereof ;

(*b*) "the Companies Act" means the Indian Companies Act, 1913 (VII of 1913).

3. Power of companies to make donations to certain National Funds—Any company may, notwithstanding anything contained in the Companies Act or in any other law for the time being in force regulating the affairs thereof, and not withstanding that the memorandum or articles of association of the company do not enable it so to do, by an extraordinary resolution passed in accordance with the provisions contained in section 81 of the Companies Act, authorise the making of donations to the Gandhi National Memorial Fund or the Sardar Vallabhbhai National Memorial Fund, or to any other Fund established for a charitable purpose which by reason of its national importance has been approved by the Central Government for the purposes of this section.

4. Repeal of Act XXXV of 1948.—The Gandhi National Memorial Fund Donations (Companies) Act, 1948, is hereby repealed.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title.—This Ordinance may be called the Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951.

2. Definition.—In this Ordinance, the expression "decree to which this Ordinance applies" means any such judgment, decree or order as is referred to in—

(*i*) clause (*3*) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or

(*ii*) paragraph (*5*) or paragraph (*6*) of article 13 of the High Courts (Bengal) Order, 1947, or

(*iii*) paragraph (*4*) or paragraph (*6*) of the High Courts (Punjab) Order 1947,

which has been passed by a Court in Pakistan and which imposes any liability or obligation on a Government in India.

3. Certain Pakistan decrees not to be given effect to in India.—Notwithstanding anything contained in any of the orders referred to in section 2, no decree to which this Ordinance applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government in India.

4. Right of holder of a decree to which this Ordinance applies to institute fresh proceedings in India.—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), any person in whose favour a decree to which this Ordinance applies has been passed may, within one year from the commencement of this Ordinance, institute a fresh suit or other legal proceeding in respect of the cause of action on which such decree was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary to the Government of India.

10. Amendment of section 26, Act XXXIV of 1948.—In section 26 of the principal Act,—

(*a*) in sub-section (*2*), the words and letter "Part B States" shall be omitted; and

(*b*) for sub-section (*3*), the following sub-section shall be substituted namely:—

"(*3*) Subject to the other provisions contained in this Act and to any rules or regulations made in this behalf, all moneys accruing or payble to the said Fund shall be paid into the Reserve Bank of India or such other bank as may be approved by the Central Government to the credit of an account styled the account of the Employees' State Insurance Fund."

11. Amendment of section 28, Act XXXIV of 1948.—In clause (v) of section 28 of the principal Act, the words and letter "Part B States" shall be omitted.

12. Substitution of new section for section 44 in Act XXXIV of 1948.—For section 44 of the principal Act, the following section shall be substituted, namely:—

"44. *Employers to furnish returns and miantain registers in certain cases.*—(*1*) Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him or to any factory or establishment in respect of which he is the principal or immediate employer as may be specified in regulations made in this behalf.

(*2*) Where in respect of any factory or establishment the Corporation has reason to believe that a return should have been submitted under sub-section (*1*) but has not been so submitted, the Corporation may require any person in charge of the factory or establishment to furnish such particulars as it may consider necessary for the purpose of enabling the Corporation to decide whether the factory or establishment is a factory or establishment to which this Act applies.

(*3*) Every principal and immediate employer shall maintain such registers or records in respect of his factory or establishment as may be required by regulations made in this behalf."

13. Amendment of section 45, Act XXXIV of 1948.—In sub-section (*2*) of section 45 of the principal Act, after clause (*c*) the following clauses shall be inserted, namely:—

"(*d*) make copies of, or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises;

(*e*) exercise such other powers as may be prescribed."

14. Amendment of section 50, Act XXXVI of 1948.—In section 50 of the principal Act,—

(*a*) in sub-section (1), for the word "occurring" the words "occurring or expected to occur" shall be substituted;

(*b*) in sub-section (*2*), for the words "the rate of twelve annas a day" the words "the daily rate specified in sub-section (*3*)" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The daily rate referred to in sub-section (2) shall be—

(i) the rate at which the insured woman could have claimed sickness benefit for any period of sickness during the benefit period in which the confinement occurs or is expected to occur if she had been qualified to claim sickness benefit during that period, or

(ii) twelve annas.

whichever is greater,"

15. Amendment of section 53, Act XXXIV of 1948.—In clause (iii) of section 53 of the principal Act, for the words and figures "Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923)" the words "Employees' Insurance Court having jursidiction" shall be substituted.

16. Amendment of section 55, Act XXXIV of 1948.—In section 55 of the principal Act,—

(a) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of this Act, the Corporation may, either of its own motion or on the application of the person receiving the benefit, review the payment of any disablement or dependants' benefit:

Provided that unless otherwise specified in the regulations made in this behalf every application for the review of a disablement benefit shall be accompanied by a certificate of a duly appointed medical officer.";

(b) in sub-section (2),—

(i) for the words "the Commissioner" the words "the Corporation" shall be substituted; and

(ii) for the words "disablement benefit" the words "disablement or dependants' benefit" shall be substituted.

17. Amendment of section 56, Act XXXIV of 1948.—In sub-section (3) of section 56 of the principal Act, for the words "or as provided under the regulations, is in receipt of disablement benefit" the words "or is in receipt of such disablement benefit as does not disentitle him to medical benefit under the regulations" shall be substituted.

18. Amendment of section 58, Act XXXIV of 1948.—In sub-section (4) of section 58 of the principal Act, for the words and letter "for a Part A State" the words "of a State" shall be substituted.

19. Amendment of section 68, Act XXXIV of 1948.—In sub-section (1) of section 68 of the principal Act, for clause (i), the following clause shall be substituted, namely:—

"(i) the difference between the amount of benefit which is paid by the Corporation to the said person and the amount of the benefit which would have been payable on the basis of the contributions which were in fact paid by the employer; or";

20. Insertion of new Chapter V-A in Act XXXIV of 1948.—In the principal Act, after Chapter V, the following shall be inserted as Chapter V-A, namely :—

CHAPTER V-A.

TRANSITORY PROVISIONS.

73-A. *Employer's special contribution.*—(*1*) For so long as the provisions of this Chapter are in force, every principal employer shall, notwithstanding anything contained in this Act, pay to the Corporation a special contribution (hereinafter referred to as the employer's special contribution) at the rate specified under sub-section (*3*).

(*2*) The employer's special contribution shall, in the case of a factory or establishment situate in any area in which the provisions of both Chapters IV and V are in force, be in lieu of the employer's contribution payable under Chapter IV.

(*3*) The employer's special contribution shall consist of such percentage, not exceeding five per cent of the total wage bill of the employer, as the Central Government may, by notification in the official Gazette, specify from time to time :

Provided that before fixing or varying any such percentage, the Central Government shall give by like notification not less than two months' notice of its intention so to do and shall in such notification specify the percentage which it proposes to fix or, as the case may be, the extent to which the percentage already fixed is to be varied :

Provided further that the employer's special contribution in the case of factories or establishments situate in any area in which the provisions of both Chapters IV and V are in force shall be fixed at a rate higher than that in the case of factories or establishments situate in any area in which the provisions of the said Chapters are not in force.

(*4*) The employer's special contribution shall fall due as soon as the liability of the employer to pay wages accrues, but may be paid to the Corporation at such intervals, within such time and in such manner as the Central Government may, by notification in the official Gazette, specify, and any such notification may provide for the grant of a rebate for prompt payment of such contribution.

Explanation.—"Total wage bill" in this section means the total wages which have accrued due to employees in a factory or establishment in respect of such wage periods as may be specified for the purposes of this section by the Central Government by notification in the official Gazette.

73-B. *Special tribunals for decision of disputes or questions under this Chapter where there is no Employees' Insurance Court.*—(1) If any question or dispute arises in respect of the employer's special contribution payable or recoverable under this Chapter and there is no Employees' Insurance Court having jurisdiction to try such question or dispute, the question or dispute shall be decided by such authority as the Central Government may specify in this behalf.

(*2*) The provisions of sub-section (*1*) of section 76, sections 77 to 79 and 81 shall, so far as may be, apply in relation to a proceeding before an authority specified under sub-section (1) as they apply in relation to a proceeding before an Employees' Insurance Court.

73-C. *Benefits under Chapter V to depend upon employee's contribution.*—The payment of the employee's contribution for any week in accordance with the provisions of Chapter IV in any area where all the provisions of that Chapter are in force shall for the purpose of Chapter V, have effect as if the contributions payable under Chapter IV in respect of that employee for that week had been paid, and shall accordingly entitle the employee as an insured person to the benefits specified in Chapter V if he is otherwise entitled thereto.

Explanation.—In the case of an exempted employee, the employee's contribution shall be deemed to have been paid for a week if the Corporation is satisfied that during that week the employer's contribution under Chapter IV would have been payable in respect of him but for the provisions of this Chapter.

73-D. *Mode of recovery of employer's special contribution.*—The employer's special contribution payable under this Chapter may be recovered as if it were an arrear of land revenue.

73-E. *Power to call for additional information or return.*—Without prejudice to the other provisions contained in this Act, the Corporation may, for the purpose of determining whether the employer's special contribution is payable under this Chapter or for determining the amount thereof, by general or special order, require any principal or immediate employer or any other person to furnish such information or returns to such authority, in such form and within such time as may be specified in the order.

73-F. *Power to exempt to be exercised by Central Government alone in respect of employers special contributions.*—Notwithstanding anything contained in this Act, the Central Government may having regard to the size or location of, or the nature of the industry carried on in any factory or establishment or class of factories or establishments, exempt the factory or establishment or class of factories or establishments from the payment of the employer's special contribution under this Chapter and nothing contained in sections 87 to 91 inclusive shall be deemed to authorise any State Government to grant any such exemption.

73-G. *Application of certain provisions of this act to employer's special contribution.*—Save as otherwise expressly provided in this Chapter, the provisions of Chapter IV, section 72 and Chapter VII and any rules and regulations made under this Act shall, so far as may be, apply in relation to the payment or recovery of employer's special contributions, the penalties specified in connection therewith and all other matters incidental thereto as they would have applied in relation to an employer's contribution if this Chapter were not in force and the employer's contribution had been payable under this Act.

73-H. *Power to remove difficulties.*—(*1*) If any difficulty arises in giving effect to the provisions of this Chapter, the Central Government may, by order notified in the official Gazette, make such provision or give such direction as appear to it to be necessary for the removal of the difficulty.

(*2*) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any rules or regulations made under this Act.

73-I. *Duration of Chapter V-A.*—The Central Government may, by notification in the Official Gazette, direct that the provisions of this Chapter shall cease to have effect on such date as may be specified in the notification, not being a date earlier than three months from the date of the notification:

Provided that on the provisions of this Chapter so ceasing to have effect the provisions of section 6 of the General Clause Act, 1897 (X of 1897), shall

apply as if the provisions of this Chapter had then been repealed by a Central Act.'

21. Amendment of section 75, Act XXXIV of 1948.—In sub-section (*1*) of section 75 of the principal Act, after clause (*e*) the following clause shall be inserted, namely :—

"(*ee*) any direction issued by the Corporation under section 55 on a review of any payment of disablement or dependants' benefits;".

22. Amendment of section 86, Act XXXIV of 1948.—To sub-section (*1*) of section 86 of the principal Act, the words "or of such other officer of the Corporation as may be authorised in this behalf by the Central Government" shall be added at the end.

23. Amendment of section 94, Act XXXIV of 1948.—In section 94 of the principal Act, after the words, figures and brackets "Insolvency Act, 1920 (V of 1920)", the words and letter "or under any law relating to insolvency in force in a Part B State" shall be inserted.

24. Insertion of new section 94A in Act XXXIV of 1948.—After section 94 of the principal Act, the following section shall be inserted, namely :—

"94A. *Delegation of powers.*—The Corporation, and, subject to any regulations made by the Corporation in this behalf, the Standing Committee may direct that all or any of the powers and functions which may be exercised or performed by the Corporation or the Standing Committee, as the case may be, may, in relation to such matters and subject to such conditions, if any, as may be specified, be also exercisable by any officer or authority subordinate to the Corporation."

25. Amendment of section 97, Act XXXIV of 1948.—In sub-section (*2*) of section 97 of the principal Act,—

(*a*) for clause (*xix*) the following clause shall be substituted, namely :—

"(*xix*) the returns to be submitted and the registers or records to be maintained by the principal and immediate employers, the forms of such returns, registers or records, and the times at which such returns should be submitted and the particulars which such returns, registers and records should contain;";

(*b*) for clause (*xxi*) the following clause shall be substituted namely :—

"(*xxi*) the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditons of service of the officers and servants of the Corporation other than the Principal Officers;";

(*c*) after sub-section (*2*) the following sub-section shall be inserted namely :—

"(*2A*) The condition of previous publication shall not apply to any regulations of the nature specified in clause (*xxi*) of sub-section (*2*)."

26. Omission of section 98, XXXIV of 1948.—Section 98 of the principal Act shall be omitted.

27. Insertion of new section 100 in Act XXXIV of 1948.—After section 99 of the principal Act, the following section shall be inserted, namely :—

"100. *Repeals and savings.*—If, immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law corresponding to this Act, that law shall, on such day, stand repealed :

Provided that the repeal shall not affect—

(*a*) the previous operations of any such law, or

(*b*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(*c*) any investigation or remedy in respect of any such penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :

Provided further that subject to the preceding proviso anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act."

28. Amendment of Schedule I, Act XXXIV of 1948.—In Schedule I to the principal Act, for paragraph 2 the following paragraph shall be substituted, namely :—

2. The average daily wages shall be :—

(*a*) In respect of an employee whose wage period is a day, the amount of wages earned during the week divided by the number of days worked in that week;

(*b*) in respect of an employee employed on the basis of any other wage period, the amount of wages earned in that wage period in which the contribution falls due divided by the number of days worked in such wage period;

(*c*) in respect of an employee employed on any other basis, the amount calculated on the basis of wages earned for the day on which the contribution falls due or on such other day as may be specified in the regulations in this behalf.

Explanation I.—Subject to any regulations made in this behalf the term "days worked" means the number of days on which the employee worked for wages.

Explanation II.—Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the days worked as part of the day preceding.

Explanation III.—Except as provided by regulations, wages, pay, salaries or allowances paid in respect of any period of leave or holidays other than the weekly holidays shall not be taken into account in calculating wages.

Explanation IV.—"Wage period" means the period in respect of which wages are ordinarily payable whether in terms of the contract of employment express or implied, or otherwise."

29. Amendment of Schedule II, Act XXXIV of 1948.—In Schedule II to the principal Act,—

(*a*) in paragraph 2,—

(*i*) after the word and figures "section 48" the words "plus the number of any other weeks in that contribution period for which contributions were paid in respect of the person" shall be inserted;

(*ii*) in *Example 3*, for the words "benefit year" the words "benefit period" shall be substituted;

(*b*) in paragraph 3, for the words "provided that", the following words shall be substituted, namely:—

"Provided that where no contribution was paid in respect of the employee during the aforesaid period of fifty-two weeks the disablement and dependants' benefit shall be an amount equivalent to one-fifty-second part of the monthly wages calculated in accordance with section 5 of the Workmen's Compensation Act, 1923 (VIII of 1923), and provided further that";

(*c*) in paragraph 4, in the second proviso to sub-paragraph (*ii*),—

(*i*) for the words "legitimate children" the words "legitimate children or adopted son" shall be substituted;

(*ii*) for the words "exceeds the full rate" the words "exceeds at any time the full rate" shall be substituted, and

(*iii*) for the word "reduced" the word "altered" shall be substituted;

(*d*) in paragraph 5, for the words and figures "Commissioner appointed under the Workmen's Compensation Act, 1923" the words "Employees' Insurance Court having jurisdiction" shall be substituted.

K. V. K. SUNDARAM,

Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1481—Legis. 6-51-34, dated Bangalore, 30th October 1951.

Ordered that Notification No. S.R.O. 1408 dated 15th September, 1951 of the Ministry of Food and Agriculture under the Essential Supplies (Temporary Powers) Act, 1946 regarding the price, production, movement or distribution of cotton seeds published in the *Gazette of India*, Part II, Section 3, dated the 15th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

AGRICULTURE.

New Delhi, the 15th September 1951.

S.R.O. 1408.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Act No. XXIV of 1946) the Central Government hereby directs that no order made or deemed to have been made under the said Act or under any corresponding law in any State except the State of Punjab shall have effect so as to prohibit or restrict the movement of cotton seeds from any place in that State to any other place within or outside that State or so as to regulate or control the price, production, movement or distribution thereof in any manner whatsoever.

[No. F. 30-8/50-EP]

R. L. GUPTA, Secy.

ELECTION COMMISSION, INDIA.

New Delhi-1, the 2nd November 1951.

NOTIFICATION.

No. 122/7/51-Elec-II. In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1950 (XLIII of 1950), read with sub-section (4) of section 27 of the said Act, the Election Commission, in consultation with the Government of Mysore, hereby designates the officers specified in column 2 of the table below to be the Electoral Registration Officers for the Council constituencies in the State of Mysore specified in the corresponding entries in column 1 of the table :—

TABLE.

Name of Constituency	*Electoral Registration Officer*
1	2
Mysore (Graduates)...	The Registrar, University of Mysore Mysore.
Mysore (Teachers)	The Director of Public Instruction in Mysore, Bangalore.
Kolar (Local Authorities)... ...	The Commissioner for Local Self-Government in Mysore, Bangalore.
Tumkur do	Do do
Bangalore do	Do do
Mandya do	Do do
Mysore do	Do do
Hassan do	Do do
Chickmagalur do	Do do
Shimoga do	Do do
Chitaldrug do	Do do

P. S. SUBRAMANIAN, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1474—Legis. 5-51-59, dated Bangalore, 26th October 1951.

Ordered that Notification Nos. S.R.O. 1522 and 1523, dated the 1st October 1951, of the Ministry of Home Affairs, amending the Registration of Foreigners (Exemption) Order, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 2nd October 1951.

S.R.O. 1522.—In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government hereby directs that the following further amendments shall be made in the Registration of Foreigners (Exemption) Order, 1949, namely :—

Paragraph 1 of the said Order shall be re-numbered as sub-paragraph (1) of that paragraph and after the sub-paragraph as so re-numbered, the following sub-paragraph shall be added, namely :—

"(2) It extends to the whole of India."

S.R.O. 1523.—In exercise of the powers conferred by Section 3 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government hereby directs that the following further amendments shall be made in the Registration of

Foreigners Rules, 1939, the same having been previously published, as required by the said section, namely :—

In the said Rules—

1. In sub-rule (3) of rule 1, the words "except the State of Hyderabad" shall be omitted ;
2. Clause (cc) of rule 2, shall be omitted ;
3. In rule 15—
   (*a*) in sub-rule (I-B), the words, brackets and figure "subject to the provisions of sub-rule (3)" shall be omitted ;
   (*b*) sub-rule (3) shall be omitted.

FATEH SINGH,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. L.D. 1485—Legis. 4-51-64, dated Bangalore, 1st November 1951.

Ordered that Notification No. S.R.O. 1397, dated the 15th September 1951, of the Ministry of Communications amending the Indian Telegraph Rules, 1932, published in the *Gazette of India*, Part II, Section 3, dated the 15th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS.)

New Delhi, the 15th September 1951.

S.R.O. 1397.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

For clause (I) of rule 459 of the said Rules, the following rule shall be substituted, namely :—

"(1) The charges payable for the use of a trunk line for each single period between any two exchanges belonging to the Indian Posts and Telegraphs Depart-

ment shall be fixed on the radial distance basis as follows and calculated to the nearest anna—

For the first 100 miles ...	4·8 annas for each 12½ miles or part thereof.
For the next 250 miles after the first 100 miles.	3·2 annas for each 12½ miles or part thereof.
For the next 150 miles after the first 350 miles.	4 annas for each 25 miles or part thereof.
For any radial distance after the first 500 miles.	6 annas for each 50 miles or part thereof.

Provided that the charge for a trunk call of a unit duration excluding incidental charges such as those for particular person and fixed time calls shall not exceed Rs. 12.

Provided further that the Director-General may prescribe a charge for the use of the line between any two exchanges, the radial distance between which does not exceed 20 miles, at a rate lower than the rate prescribed above subject to the condition that the facilities provided in rules 444 and 445 shall not be available in such cases."

[No. R. 3-69—50].

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L.D. 1486—Legis. 6-51-35, dated Bangalore, 1st November 1951.

Ordered that Notification No. S.R.O. 1392, dated 7th September 1951 of the Ministry of Food and Agriculture, publishing a Corrigendum to S.R.O. 116, published in the *Gazette of India*, Part II, Section 3, dated the 15th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

New Delhi, the 7th September 1951.

S.R.O. 1392.—Corrigendum.—In the Bristles Grading and Marking Rules, 1951, published with the notification of the Governmen of India in the Ministry of Food and Agriculture, No. S.R.O. 716 (F. 4-5—50—Marketing) dated the 8th May

1951, published in the *Gazette of India*, Part II, Section 3, dated the 19th May 1951, the following corrections shall be made, namely :—

(1) In clause (*iii*) of rule 6 for the words 'carton and tin' substitute the words 'carton or tin'.

(2) The word 'Draft' occurring in the headings of each of the Schedules I to IX shall be omitted.

(3) For the words 'Grade' in lines 4, 5 and 'designation' in the footnote to Schedule, I substitute the words 'grades' and 'designations', respectively.

(4) For the figures '6¼" %', '12½" %', and '2½", in lines 5, 6 and 14 substitute the figures "6¼%", "12½%", and "2¼", respectively in the footnote to Schedule II.

(5) For the figure '6½" in column 3 of Schedule III, substitute the figure '6¼".

(6) For the figures "60¼"" in lines 3 and 10 of the footnote to Schedule IV substitute the figure "6¼"".

(7) Omit the Urdu version of the term "Produce of India" in Schedule X.

[No. F. 4-5—50-Mkt.]

* * *

A. G. MENON, Dy. Secy.

NOTIFICATION.

No. C. 1149—Co. 26-51-2, dated Bangalore, 2nd November 1951.

Ordered that the accompanying Notification No. S.R.O. 1593, dated the 16th October 1951 issued by the Government of India, Ministry of Commerce and Industry under the Cotton Control Order 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 16th October 1951.

S.R.O. 1593. In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946), the Central Government

hereby directs that the following further amendments shall be made in the Cotton Control Order, 1950, namely:—

In the said Order.—

1. In clause 2—

(a) after sub-clause (d) the following sub-clause shall be inserted, namely:—

(dd) 'Cotton season' means the period from the 1st day of September of one calendar year, until and inclusive of, the thirty first day of August in the next calendar year.

(b) for sub-clause (j) the following sub-clause shall be substituted, namely.—

"(j) licensing authority means—

(a) in relation to A class or B class licence, the Textile Commissioner; and

(b) in relation to C class licence, the State Government or any officer authorised by the State Government in this behalf for any specified area.

2. In clause 7—

(a) after sub-clause (I) the following sub-clause shall be inserted, namely:—

"(IA) The Textile Commissioner in the exercise of the powers conferred upon him under sub-clause (I) shall have regard to the following matters, namely:—

(a) in the case of a manufacturer doing business of manufacturing yarn before the 1st September 1947, the consumption by the manufacturer of different descriptions of cotton grown in India and in Pakistan, for the purpose of manufacturing yarn during the Cotton Season 1947–48, or where the manufacture of yarn was far any reason interrupted in that season, during such other cotton season, as the Textile Commissioner may, in the circumstances of the case, deem equitable,

(b) the capacity of the manufacturer to manufacture yarn during the previous cotton season,

(c) the defaults, if any, made by the manufacturer in buying cotton allotted to him during the previous cotton season.

3. After clause 9, the following clauses shall be inserted, namely:—

"9A. (1) There shall be the following three classes of licences granted under this Order, namely:—

1. A class licence.
2. B class licence.
3. C class licence.

(2) Every such licence shall be in the appropriate form.

9B. (1) Subject to the provisions of sub-clause (2), every person who

(a) (i) has sold a minimum quantity of 3,000 bales of Indian cotton directly to any manufacturer during any of the cotton seasons 1948–49, 1949–50 and 1950–51; and

(ii) carried on business in cotton in more than one areas specified by the Textile Commissioner in this behalf

shall be entitled to an A class licence.

(b) has sold a minimum quantity of 1,500 bales of Indian cotton grown in any of the areas specified under sub-clause (a) (ii) to any manufacturer directly during any of the cotton seasons specified in sub-clause (a) (i)

shall be entitled to a B class licence.

(c) (i) carried on business in cotton in any of the areas specified by the Textile Commissioner in this behalf during any of the cotton seasons 1948-49, 1949-50 and 1950-51; and

(ii) held a valid licence under clause 9 on or after the 1st day of September, 1950

shall be entitled to a C class licence;

Provided that no person shall be entitled to an A class and a C class licence at the same time.

(2) Notwithstanding anything contained in sub-clause (1), a licensing authority may refuse to grant a licence to any person if, for reasons to be recorded in writing, it is of opinion that such person is unfit to hold a licence.

4. For clause 11, the following clause shall be substituted, namely:—

"11. (1) Every licence granted under this Order shall be valid for the area and for the period specified in the licence but may be renewed from time to time for a period of one year.

(2) There shall be charged for the grant or renewal of a licence of the type specified in column 1 of the undermentioned table, the fee specified in column 2 thereof.—

TABLE.

1		2
Type of licence.		*Amount of fee.*
A class licence	...	Rs. 100.
B class licence	...	Rs. 50.
C class licence	...	Rs. 25.

Provided that in respect of any one year no person shall be liable to pay more than Rs. 25 for the grant or renewal of any number of C class licenses within the same State and the amount, if any, paid by him in excess of Rs. 25 shall, on application made in that behalf, be refunded to him by the State Government.

5. In clause 14—

(a) sub-clause (1) shall be omitted, and

(b) in sub-clause (2) the word "further" shall be omitted.

6. After clause 14, the following clauses shall be inserted namely:—

"14-A. (1) Where the Textile Commissioner has, in exercise of the powers conferred upon him under sub-clause (1) of clause 7 specified the maximum quantity of any description of cotton which a manufacturer may buy, the manufacturer may make an application to the Textile Commissioner for an allotment of such cotton or any portion thereof.

(2) On receiving such an application, the Textile Commissioner may make an allotment to the manufacturer of specified quantities of the required cotton to be acquired from specified licensees at specified prices and within a specified time.

(3) In the exercise of powers conferred upon him by sub-clause (2), the Textile Commissioner shall have regard to the following matters, namely :—

(a) the availability of the required description of cotton for distribution among manufacturers ;

(b) the stocks of cotton in the possession of the applicant ; and

(c) the maximum quantity of the required description of cotton specified under sub-clause (1) of clause 7 in respect of the applicant and other manufacturers.

(4) Where the Textile Commissioner has made any allotment under sub-clause (2), the manufacturer shall acquire from the specified licensee and the specified licensee shall, notwithstanding anything contained in the terms of his licence, sell or deliver to the manufacturer, the allotted quantities of cotton at specified price and within the specified time ;

Provided that where the manufacturer fails to acquire such cotton or any part thereof from the specified licensees within the specified time; the Textile Commissioner may cancel the order of allotment in respect of any cotton not so acquired.

Explanation :—In this clause and the next succeeding clause, the expression "manufacturer" includes an A class licensee authorised in writing by a manufacturer to purchase cotton on his behalf.

14-B. (1) The Textile Commissioner may, for the purpose of securing proper distribution of cotton among manufacturers and with the previous sanction of the Central Government, appoint for any specified area a Distribution Committee consisting of such number of persons as the Textile Commissioner may deem fit.

(2) Where a distribution committee has been appointed under sub-clause (1) for any area.

(a) no manufacturer shall acquire cotton grown in that area except in pursuance of an allotment made in accordance with the provisions of clause 14-A ; and

(b) the functions of the Textile Commissioner under clause 14-A shall be exercisable by the distribution committee in the like manner and subject to the like restrictions.

7. In Form "A"

(a) below the words, figure and brackets, 'see clause (9)', the following shall be inserted, namely :—

"A/B/C Class license."

(b) at the end of the first paragraph, the words 'in the following area or areas' shall be inserted.

(c) for clause (5), the following clause shall be substituted, namely :—

"(5). An 'A' class licensee shall not purchase cotton from any person other than a 'B' class licensee and shall not sell, hypothecate or pledge cotton to any person other than a manufacturer. He shall not during the period the license is in force purchase any *Kapas*.

A 'B' class licensee shall not purchase cotton from any person other than a grower, a cotton ginning factory or a 'C' class licensee and shall not sell cotton to any person other than a manufacturer or on 'A' class licensee.

A 'C' class licensee shall not purchase cotton from any person other than a grower or a cotton ginning factory and shall not sell cotton to any person other than a 'B' class licensee.

8. For Form 'B', the following form shall be substituted, namely :—

FORM B.

(*See* clause 10)

1. Applicant's name.

2. Where the applicant is a Corporation or a Partnership firm, the names of the Directors or the partners, as the case may be.

3. Applicant's full address.

4. Whether the application is for an 'A' class, 'B' class or 'C' class licence.

5. Where the application is for an 'A' or 'B' class licence, state the following particulars :—

Cotton season	Quantity of cotton sold (in bales) directly to manufacturers.	Area or areas in which applicant ordinarily carries on business.
1948–49 1949–50 1950–51		

6. The location of the applicant's place of business, godowns and other premises used by him for the sale or storage of cotton (detailed address of these places should be given).

I have carefully read the conditions of the licence given in Form 'A' appended to the Cotton Control Order, 1950, and I agree to abide by them.

Signature of the Applicant.

S. K. DATTA,

Deputy Secretary to the Government of India.

FORM "A"

(See Clause 9).

A/B/C CLASS LICENCE.

The Cotton Control Order, 1950 licence for purchase, sale or storage or for carrying on business in cotton or for holding cotton in hypothecation or against pledge.

Subject to the provisions of the Cotton Control Order, 1950 (hereinafter referred to as the 'said order') and to the terms and conditions of this licence.

.....is/are hereby authorised to purchase, sell, store, carry on business in cotton or hold cotton in hypothecation or against pledge in the following area or areas.....

2. The Licensee shall carry on the aforesaid business at the following place (s) :

3. The Licensee shall maintain a register of daily accounts in respect of each description of cotton in which he deals, showing correctly.—

(*a*) the opening stock on each day ;

(*b*) the quantities received on each day showing the place of origin and the name and address of the person from whom received ;

(*c*) the quantities sold, delivered or otherwise removed on each day showing the place of destination, the name and address of the person to whom they are sold or delivered, or for whom they are removed ;

(*d*) the closing stock on each day ;

4. The licensee, shall in respect of each description of cotton, submit to the appropriate licensing authority or any other officer authorised by it in this behalf within five days of the completion of each fortnight, a true return in Form "C".

5. An "A" class licensee shall not purchase cotton from any person other than a "B" class licensee and shall not sell, hypothecate or pledge cotton to any person other than a manufacturer. He shall not, during the period the licence is in force, purchase any *Kapas*.

A "B" class licensee shall not purchase cotton from any person other than a grower, a cotton ginning factory or a "C" class licensee and shall not sell cotton to any person other than a manufacturer or an "A" class licensee.

A "C" class licensee shall not purchase cotton from any person other than a grower, or a cotton ginning factory and shall not sell cotton to any person other than a "B" class licensee.

6. The licensee shall issue to every customer a correct receipt or invoice as the case may be, giving his own name, address and licence number, the name, address and licence number of the customer, the date of transaction, the quantity sold, the rate per khandy and the total amount charged and shall keep a duplicate of the same available for inspection on demand by the licensing authority or any officer authorised by such authority in this behalf.

7. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by such authority in this behalf for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage or sale of cotton and for taking samples of cotton for examination.

8. The licensee shall comply with any directions that may be given to him in regard to the purchase, sale, storage, hypothecation or pledge of cotton and in regard to the language in which the registers, returns, receipts or invoices mentioned in paragraphs 3, 4 and 6 shall be maintained submitted or issued and in regard to the maintenance of the register mentioned in paragraph 3.

.....

Signature of the Licensing Authority.

Dated.....195 .

NOTIFICATION.

No. L.S. 8081—L.W. 189-51-8, dated Bangalore, 8th November 1951.

Whereas industrial disputes exist between the Management of Messrs. Simpson & Co., Ltd., Bangalore, and Messrs. George Oakes Ltd., Residency Road, Bangalore, and the workers employed by the said two concerns, in respect of the matters specified in the schedule below:—

And whereas in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said disputes for adjudication;

Now, therefore, in exercise of the powers conferred by clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said disputes be referred for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE

(1) That the workmen may be paid bonus equal to 4 (four) months' pay for the year 1949:

(2) That the following scales of pay be accepted:

	Rs.	As.	ps.	Rs.	As.	ps.	Rs.	As.	ps.
Cleaners	0	12	0	0	2	0	1	4	0
Mech./Mates	1	4	0	0	2	0	1	12	0
III Grade Mechanic	1	12	0	0	4	0	2	4	0
II Grade Mechanic	2	4	0	0	4	0	2	12	0
I Grade Mechanic	2	12	0	0	6	0	3	8	0
Charge Hand	3	8	0	0	8	0	5	0	0

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3111—L.W. 103-51-4, dated Bangalore, 9th November 1951.

In exercise of the powers conferred by Clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946, (Central Act XX of 1946), His Highness the Maharaja of Mysore is pleased to appoint the Industrial Tribunal, Bangalore, constituted under the Industrial Disputes Act, 1947, (Central Act XIV of 1947) in Government Notification No. L.S. 1075—L.W. 68-51-2, dated the 15th June 1951, to exercise throughout the Mysore State the functions of an appellate authority under the Industrial Employment (Standing Orders) Act, 1946.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION

No. 5434—Eln. 103-51-1, Bangalore, dated the 9th November 1951.

Ordered that the accompanying Notification No. F. 73—51-C., dated the 31st August 1951, issued by the Government of India, Ministry of Law, specifying the former Indian States, as required under clause (*b*) of sub-section (2) of Section 168 of the Representation of the People Act, 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 31st August 1951.

No. S.R.O.1343.—In pursuance of clause (*b*) of sub-section (2) of Section 168 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government hereby specifies the former Indian States mentioned in the Schedule hereto annexed for the purposes of the said section:—

THE SCHEDULE.

1 Athgarh
2 Athmallik
3 Bamra
4 Baramba
5 Baudh
6 Bonai
7 Daspalla
8 Dhenkanal
9 Gangpur
10 Hindol
11 Kalahandi
12 Keonjhar
13 Khandpara
14 Mayurbhanj
15 Narasinghpur
16 Nayagarh
17 Nilgiri
18 Pal Lahara
19 Patna
20 Rairakhol
21 Ranpur
22 Sonepur
23 Talcher
24 Tigiria
25 Kharsawan
26 Seraikella
27 Nandgaon
28 Bastar
29 Kankar
30 Udaipur (Madhya Pradesh)
31 Sakti
32 Chhuikhadan
33 Raigarh
34 Kawardha
35 Sarangarh
36 Korea
37 Khairagarh
38 Surguja
39 Jashpur
40 Changbhakar
41 Makrai
42 Loharu
43 Dujana
44 Pataudi
45 Banganapalle
46 Pudukkottai
47 Sandur
48 Ambaliara
49 Balasinor
50 Bansda
51 Baria
52 Bhaderwa
53 Cambay
54 Chhota Udepur
55 Danta
56 Dharmpur
57 Ghodasar
58 Idar
59 Ilol
60 Jambughoda
61 Jawha
62 Khadal
63 Katosan
64 Lunawada
65 Malpur
66 Mohanpur
67 Mansa
68 Palanpur
69 Punadra
70 Radhanpur
71 Ranasan
72 Rajpipla
73 Sachin
74 Sant
75 Sudasna
76 Surgana

77 Valasna
78 Varsoda
79 Vasna
80 Vijayanagar
81 Wao
82 Sanjeli
83 Tharad
84 Vakhtapur
85 Likhi
86 Mandwa
87 Dedhrota
88 Hapa
89 Sathamba
90 Umeta
91 Magodi
92 Palaj
93 Tajpuri
94 Kurundwad (Senior)
95 Kurundwad (Junior)
96 Akalkot
97 Savanur
98 Miraj (Senior)
99 Miraj (Junior)
100 Mudhol
101 Phaltan
102 Sangli
103 Aundh
104 Ramdurg
105 Bhor
106 Jamkhandi
107 Jath
108 Sawantwadi
109 Wadi Jagir
110 Janjira
111 Baroda
112 Kolhapur
113 Tehri Garhwal
114 Benaras
115 Rampur
116 Cooch Bihar
117 Patiala
118 Kapurthala
119 Nabha
120 Jind
121 Faridkot
122 Kalsia
123 Nalagarh
124 Malerkotla
125 Travancore
126 Cochin
127 Gwalior
128 Indore
129 Alirajpur
130 Barwani
131 Dewas (Senior)
132 Dewas (Junior)
133 Dhar
134 Jaora
135 Jhabua
136 Jobat
137 Kathiwara
138 Khilchipur
139 Kurwai
140 Narsingarh
141 Rajgarh
142 Ratlam
143 Sailana
144 Sitamau
145 Mathwar
146 Piploda
147 Patlari
148 Muhammadgarh
149 Nimkhera
150 Jamnia
151 Rajgarh
152 Khaniadhana
153 Alwar
154 Bharatpur
155 Dholpur
156 Karauli
157 Banswara
158 Bundi
159 Dungarpur
160 Jhalawar
161 Kishengarh
162 Kotah
163 Mewar
164 Partabgarh
165 Shahpura
166 Tonk
167 Jaipur
168 Jaisalmer
169 Bikaner
170 Jodhpur
171 Lawa
172 Kushalgarh
173 Nimrana
174 Sirohi
175 Nawanagar
176 Bhavnagar
177 Porbandar
178 Dhrangadhra
179 Morvi
180 Gondal
181 Jafrabad
182 Wankaner
183 Palitana
184 Dhrol

185 Limbdi
186 Rajkot
187 Wadhwan
188 Lakhtar
189 Sayla
190 Chuda
191 Vala
192 Jasdan
193 Amarnagar (Thana Devali)
194 Vadia
195 Lathi
196 Muli
197 Bajana
198 Virpura
199 Malia
200 Kotda Sangani
201 Jetpur
202 Bilkha
203 Patdi
204 Khirasra
205 Vanod
206 Barwala
207 Katodia
208 Lodhika
209 Vasavad
210 Jalia Devani
211 Zainabad
212 Vithalgadh
213 Tharoch
214 Chamba
215 Mandi
216 Suket
217 Keonthal
218 Sirmur
219 Baghat
220 Balsan
221 Bashahr
222 Jubbal
223 Mahlog
224 Dhami
225 Bhajji
226 Kuthar
227 Kumrsain
228 Baghal
229 Mangal
230 Kunihar
231 Darkoti
232 Sangri
233 Beja
234 Dealth
235 Ratesh
236 Rawingarh
237 Dhadi
238 Ghund
239 Khaneti
240 Madhan
241 Theog
242 Koti
243 Bhopal
244 Bilaspur
245 Kutch
246 Tripura
247 Manipur
248 Ajaigarh
249 Baoni
250 Baraundha
251 Bijawar
252 Chhatarpur
253 Charkhari
254 Datia
255 Maihar
256 Nagod
257 Orchha
258 Pana
259 Rewa
260 Samthar
261 Alipura
262 Banka Palari
263 Beri
264 Bhaisaunda
265 Bihat
266 Bijna
267 Dhurwai
268 Garrauli
269 Gaurihar
270 Jaso
271 Jigni
272 Kamta Rajaula
273 Kothi
274 Lugasi
275 Naigawan Rebai
276 Pahara
277 Paldeo (Nayagaon)
278 Sarila
279 Sohawal
280 Taraon
281 Tori Fatehpur
282 Hyderabad
283 Mysore
284 Jammu and Kashmir

[No. 73/51-C.]

S. N. MUKERJEE, Joint Secy.

ELECTION COMMISSION, INDIA.

NOTIFICATION.

Dated New Delhi-1, the 6th November 1951.

No. 6—51-Elec. II. In exercise of the powers conferred by clause (a) of sub-rule (3) of Rule 38 and clause (a) of sub-rule ( ) of Rule 65 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the Election Commission hereby designates the officer specified in column 1 of the table below to be the officer of the armed Forces under whose care ballot papers shall be sent in respect of the class of electors of the Armed Forces specified in the corresponding entries in column 2 of that table or the wife of any such elector.

TABLE.

Designation of Officer (1)	*Class of electors* (2)
Army.	
A Brigade Commander or a Sub-Area Commander.	Officers other than Junior Commissioned Officers under his command.
An Officer-in-Charge Records ...	Junior Commissioned Officers, other ranks and non-combatants (enrolled) under his administrative control.
Navy.	
Staff Officer, Naval Appointments, Naval Headquarters, New Delhi.	Officers.
Captain, Indian Naval Barracks, Bombay.	Petty Officers and Seamen.
Air Force.	
Deputy Director of Personnel Air Headquarters, New Delhi.	Officers other than Warrant Officers.
Officer-in-Charge Indian Air Force Records 'K' Block, New Delhi.	Warrant Officers and airmen.

P. S. SUBRAMANIAN,
Secretary.

ELECTION COMMISSION, INDIA

NOTIFICATION.

Bombay, dated 11th November 1951.

No. 102/12/51-Elec. II(2).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1950 (XLIII of 1950), read with section 26 of the said Act, the Election Commission, in consultation with the Government of Mysore, hereby makes the following amendment in its notification No. 102/12/51-Elec. II (2), dated the 7th September 1951, namely :—

"AMENDMENT

In the table appended to the said notification, for the entries in columns 1 and 2 relating to Sorab-Shikaripur and Sagar-Hosanagar Assembly constituencies, the following entries shall respectively be substituted :—

1		2
'Sorab—Shikaripur	...	Assistant Commissioner, Sagar Revenue Sub Division'
'Sagar—Hosanagar	....	Amildar, Sagar Taluk'."

P. S. SUBRAMANIAN,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-D

NOTIFICATION.

RULES MADE BY THE HIGH COURT OF MYSORE.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

Rule of Practice No. 183, *dated* 26*th September* 1951.

Under Article 227 of the Constitution of India, and with the previous approval of His Highness the Rajpramukh of Mysore, the High Court hereby makes the following Rule of Practice. This shall be inserted as paragraph 135-A under Chapter VII, at page 47 of the Civil Rules of Practice, Vol. I:—

"135-A. A party to a civil suit other than the Government, requesting the Court to summon a Government servant or a Railway employee as a witness to give evidence, or to produce official documents, shall be required to deposit in the Court a sum which, in the opinion of the Court, will be sufficient to defray the travelling allowance and daily allowances as for a journey on tour of the Government servant or Railway employee. Out of the sum so deposited, the Court shall pay the Government servant or Railway employee concerned the amount of travelling and daily allowances admissible to him as for a journey on tour, on production of a certificate duly signed by the head of his office showing the rate of travelling allowance and daily allowances admissible to him."

T. KEMPAIYA,
Registrar.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, NOV. 22, 1951 [No. 46

PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1483—Legis. 4-51-57, dated Bangalore, 1st November 1951.

Ordered that the Employees' State Insurance (Amendment) Act, 1951 (Central Act No. LIII of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 6th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 6th October 1951

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE EMPLOYEES' STATE INSURANCE (AMENDMENT) ACT, 1951.

(LIII OF 1951.)

AN

ACT

to amend the Employees' State Insurance Act, 1948.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Employees' State Insurance (Amendment) Act, 1951.

2. Amendment of section 1, Act XXXIV of 1948.—In section 1 of the Employees State Insurance Act, 1948 (hereinafter referred to as the principal Act),—

(*a*) in sub-section (*2*), for the words and letter "except Part B States" the words "except the State of Jammu and Kashmir" shall be substituted;

(*b*) in sub-section (*3*), for the words "for different States" the words "for different States or for different parts thereof" shall be substituted;

(*c*) in sub-section (*5*), for the words "with the approval of the Central Government" the words "where the appropriate Government is a State Government, with the approval of the Central Government" shall be substituted.

3. Amendment of section 2, Act XXXIV of 1948.—In section 2 of the principal Act,—

(*a*) for clause (*2*) the following clause shall be substituted, namely :—

'(*2*) "benefit period" means such period, being not less than twenty-five but not exceeding twenty-seven consecutive weeks or six consecutive months corresponding to the contribution period, as may be specified in the regulations

Provided that in the case of the first benefit period a longer or shorter period may be specified by or under the regulations ;';

(*b*) for clause (5) the following clause shall be substituted, namely :—

'(*5*) "contribution period" means such period, being not less than twenty-five but not exceeding twenty-seven consecutive weeks or six consecutive months, as may be specified in the regulations :

Provided that in the case of the first contribution period a longer or shorter period may be specified by or under the regulations ;';

(*c*) in clause (*12*),—

(*i*) in the definition of "factory", the words "or a railway running shed" shall be added at the end ; and

(*ii*) for the figures "1931", the figures "1948" shall be substituted ;

(*d*) in clause (*15*), for the figures "1934", the figures "1948" shall be substituted ;

(*e*) in clause (*17*), in sub-clause (*i*), for the words, brackets, letter and figures "clause (*e*) of sub-section (*1*) of section 9 of the Factories Act, 1934", the words and figures "the Factories Act, 1948" shall be substituted ;

(*f*) in clause (*22*), for the words "paid at regular intervals after the last day of the wage period", the words "paid at intervals not exceeding two months" shall be substituted.

4. Amendment of section 4, Act XXXIV of 1948.—In section 4 of the principal Act, in clause (*d*), for the words and letter "Part A States" the words and letters "Part A States and Part B States in which this Act is in force" shall be substituted.

5. Amendment of section 8, Act XXXIV of 1948.—In section 8 of the principal Act,—

(*a*) after clause (*b*) the following clause shall be inserted, namely :—

"(*bb*) three members of the Corporation representing such three State Governments thereon as the Central Government may, by notification in the official Gazette, specify from time to time ;" ;

(*b*) in clause (*c*),—

(*i*) for the word "nine", the words "six" shall be substituted ; and

(*ii*) sub-clause (*i*) shall be omitted.

6. Amendment of section 9, Act XXXIV of 1948.—In section 9 of the principal Act, for the word, brackets and letter "clause (*b*)", in both the places where they occur, the words, brackets and letters "clause (*b*) or clause (*bb*)" shall be substituted.

7. Amendment of section 10, Act XXXIV of 1948.—In section 10 of the principal Act, in clause (*d*) of sub-section (*1*), for the words and letters "Part A States", the words and letters "Part A States and Part B States in which this Act is in force" shall be substituted.

8. Amendment of section 12, Act XXXIV of 1948.—Section 12 of the principal Act shall be renumbered as sub-section (*1*) thereof, and after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely :—

"(*2*) Where in the opinion of the Central Government any person nominated or elected to represent employers, employees or the medical profession on the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, has ceased to represent such employers, employees or the medical profession, the Central Government may, by notification in the official Gazette, declare that with effect from such date as may be specified therein such person shall cease to be a member of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be."

9. Amendment of section 22, Act XXXIV of 1948.—In clause (*a*) of section 22 of the principal Act, for the words "the Corporation, the Standing Committee and the Medical Commissioner" the words "Corporation and the Standing Committee" shall be substituted.

10. Amendment of section 26, Act XXXIV of 1948.—In section 26 of the principal Act,—

(*a*) in sub-section (*2*), the words and letter "Part B States" shall be omitted; and

(*b*) for sub-section (*3*), the following sub-section shall be substituted namely :—

"(*3*) Subject to the other provisions contained in this Act and to any rules or regulations made in this behalf, all moneys accruing or payable to the said Fund shall be paid into the Reserve Bank of India or such other bank as may be approved by the Central Government to the credit of an account styled the account of the Employees' State Insurance Fund."

11. Amendment of section 28, Act XXXIV of 1948.—In clause (v) of section 28 of the principal Act, the words and letter "Part B States" shall be omitted.

12. Substitution of new section for section 44 in Act XXXIV of 1948.—For section 44 of the principal Act, the following section shall be substituted, namely :—

"44. *Employers to furnish returns and maintain registers in certain cases.*—

(*1*) Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him or to any factory or establishment in respect of which he is the principal or immediate employer as may be specified in regulations made in this behalf.

(*2*) Where in respect of any factory or establishment the Corporation has reason to believe that a return should have been submitted under sub-section (*1*) but has not been so submitted, the Corporation may require any person in charge of the factory or establishment to furnish such particulars as it may consider necessary for the purpose of enabling the Corporation to decide whether the factory or establishment is a factory or establishment to which this Act applies.

(*3*) Every principal and immediate employer shall maintain such registers or records in respect of his factory or establishment as may be required by regulations made in this behalf."

13. Amendment of section 45, Act XXXIV of 1948.—In sub-section (*2*) of section 45 of the principal Act, after clause (*c*) the following clauses shall be inserted, namely :—

"(*d*) make copies of, or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises ;

(*e*) exercise such other powers as may be prescribed."

14. Amendment of section 50, Act XXXVI of 1948.—In section 50 of the principal Act,—

(*a*) in sub-section (1), for the word "occurring" the words "occurring or expected to occur" shall be substituted;

(*b*) in sub-section (*2*), for the words "the rate of twelve annas a day" the words "the daily rate specified in sub-section (*3*)" shall be substituted;

(*c*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) The daily rate referred to in sub-section (*2*) shall be—

(*i*) the rate at which the insured woman could have claimed sickness benefit for any period of sickness during the benefit period in which the confinement occurs or is expected to occur if she had been qualified to claim sickness benefit during that period, or

(*ii*) twelve annas.

whichever is greater,"

15. Amendment of section 53, Act XXXIV of 1948.—In clause (*iii*) of section 53 of the principal Act, for the words and figures "Commissioner appointed under the Workmen's Compensation Act, 1923 (VIII of 1923)" the words "Employees' Insurance Court having jurisdiction" shall be substituted.

16. Amendment of section 55, Act XXXIV of 1948.—In section 55 of the principal Act.—

(*a*) for sub-section (*1*) the following sub-section shall be substituted, namely:—

"(*1*) Subject to the provisions of this Act, the Corporation may, either of its own motion or on the application of the person receiving the benefit, review the payment of any disablement or dependants' benefit:

Provided that unless otherwise specified in the regulations made in this behalf every application for the review of a disablement benefit shall be accompanied by a certificate of a duly appointed medical officer.";

(*b*) in sub-section (2),—

(*i*) for the words "the Commissioner" the words "the Corporation" shall be substituted; and

(*ii*) for the words "disablement benefit" the words "disablement or dependants' benefit" shall be substituted.

17. Amendment of section 56, Act XXXIV of 1948.—In sub-section (*3*) of section 56 of the principal Act, for the words "or as provided under the regulations, is in receipt of disablement benefit" the words "or is in receipt of such disablement benefit as does not disentitle him to medical benefit under the regulations" shall be substituted.

18. Amendment of section 58, Act XXXIV of 1948.—In sub-section (*4*) of section 58 of the principal Act, for the words and letter "for a Part A State" the words "of a State" shall be substituted.

19. Amendment of section 68, Act XXXIV of 1948.—In sub-section (*1*) of section 68 of the principal Act, for clause (*i*), the following clause shall be substituted, namely:—

"(*i*) the difference between the amount of benefit which is paid by the Corporation to the said person and the amount of the benefit which would

have been payable on the basis of the contributions which were in fact paid by the employer; or";

20. Insertion of new Chapter V-A in Act XXXIV of 1948.—In the principal Act, after Chapter V, the following shall be inserted as Chapter V-A, namely:—

CHAPTER V-A.

TRANSITORY PROVISIONS.

73-A. *Employer's special contribution.*—(*1*) For so long as the provisions of this Chapter are in force, every principal employer shall, notwithstanding anything contained in this Act, pay to the Corporation a special contribution (hereinafter referred to as the employer's special contribution) at the rate specified under sub-section (*3*).

(*2*) The employer's special contribution shall, in the case of a factory or establishment situate in any area in which the provisions of both Chapters IV and V are in force, be in lieu of the employer's contribution payable under Chapter IV.

(*3*) The employer's special contribution shall consist of such percentage, not exceeding five per cent of the total wage bill of the employer, as the Central Government may, by notification in the official Gazette, specify from time to time:

Provided that before fixing or varying any such percentage, the Central Government shall give by like notification not less than two months' notice of its intention so to do and shall in such notification specify the percentage which it proposes to fix or, as the case may be, the extent to which the percentage already fixed is to be varied:

Provided further that the employer's special contribution in the case of factories or establishments situate in any area in which the provisions of both Chapters IV and V are in force shall be fixed at a rate higher than that in the case of factories or establishments situate in any area in which the provisions of the said Chapters are not in force.

(*4*) The employer's special contribution shall fall due as soon as the liability of the employer to pay wages accrues, but may be paid to the Corporation at such intervals, within such time and in such manner as the Central Government may, by notification in the official Gazette, specify, and any such notification may provide for the grant of a rebate for prompt payment of such contribution.

Explanation.—"Total wage bill" in this section means the total wages which have accrued due to employees in a factory or establishment in respect of such wage periods as may be specified for the purposes of this section by the Central Government by notification in the official Gazette.

73-B. *Special tribunals for decision of disputes or questions under this Chapter where there is no Employees' Insurance Court.*—(1) If any question or dispute arises in respect of the employer's special contribution payable or recoverable under this Chapter and there is no Employees' Insurance Court having jurisdiction to try such question or dispute, the question or dispute shall be decided by such authority as the Central Government may specify in this behalf.

(*2*) The provisions of sub-section (*1*) of section 76, sections 77 to 79 and 81 shall, so far as may be, apply in relation to a proceeding before an authority specified under sub-section (1) as they apply in relation to a proceeding before an Employee's Insurance Court.

73-C. *Benefits under Chapter V to depend upon employee's contribution.*—The payment of the employee's contribution for any week in accordance with the provisions of Chapter IV in any area where all the provisions of that Chapter are in force shall for the purpose of Chapter V, have effect as if the contributions payable under Chapter IV in respect of that employee for that week had been paid, and shall accordingly entitle the employee as an insured person to the benefits specified in Chapter V if he is otherwise entitled thereto.

Explanation.—In the case of an exempted employee, the employee's contribution shall be deemed to have been paid for a week if the Corporation is satisfied that during that week the employer's contribution under Chapter IV would have been payable in respect of him but for the provisions of this Chapter.

73-D. *Mode of recovery of employer's special contribution.*—The employer's special contribution payable under this Chapter may be recovered as if it were an arrear of land revenue.

73-E. *Power to call for additional information or return.*—Without prejudice to the other provisions contained in this Act, the Corporation may, for the purpose of determining whether the employer's special contribution is payable under this Chapter or for determining the amount thereof, by general or special order, require any principal or immediate employer or any other person to furnish such information or returns to such authority, in such form and within such time as may be specified in the order.

73-F. *Power to exempt to be exercised by Central Government alone in respect of employer's special contributions.*—Notwithstanding anything contained in this Act, the Central Government may having regard to the size or location of, or the nature of the industry carried on in any factory or establishment or class of factories or establishments, exempt the factory or establishment or class of factories or establishments from the payment of the employer's special contribution under this Chapter and nothing contained in sections 87 to 91 inclusive shall be deemed to authorise any State Government to grant any such exemption.

73-G. *Application of certain provisions of this act to employer's special contribution.*—Save as otherwise expressly provided in this Chapter, the provisions of Chapter IV, section 72 and Chapter VII and any rules and regulations made under this Act shall, so far as may be, apply in relation to the payment or recovery of employer's special contributions, the penalties specified in connection therewith and all other matters incidental thereto as they would have applied in relation to an employer's contribution if this Chapter were not in force and the employer's contribution had been payable under this Act.

73-H. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Chapter, the Central Government may, by order notified in the official Gazette, make such provision or give such direction as appear to it to be necessary for the removal of the difficulty.

(2) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any rules or regulations made under this Act.

73-I. *Duration of Chapter V-A.*—The Central Government may, by notification in the official Gazette, direct that the provisions of this Chapter shall cease to have effect on such date as may be specified in the notification, not being a date earlier than three months from the date of the notification:

Provided that on the provisions of this Chapter so ceasing to have effect the provisions of section 6 of the General Clause Act, 1897 (X of 1897), shall

apply as if the provisions of this Chapter had then been repealed by a Central Act.'

21. Amendment of section 75, Act XXXIV of 1948.—In sub-section (*1*) of section 75 of the principal Act, after clause (*e*) the following clause shall be inserted, namely :—

"(*ee*) any direction issued by the Corporation under section 55 on a review of any payment of disablement or dependants' benefits;".

22. Amendment of section 86, Act XXXIV of 1948.—To sub-section (*1*) of section 86 of the principal Act, the words "or of such other officer of the Corporation as may be authorised in this behalf by the Central Government" shall be added at the end.

23. Amendment of section 94, Act XXXIV of 1948.—In section 94 of the principal Act, after the words, figures and brackets "Insolvency Act, 1920 (V of 1920)", the words and letter "or under any law relating to insolvency in force in a Part B State" shall be inserted.

24. Insertion of new section 94A in Act XXXIV of 1948.—After section 94 of the principal Act, the following section shall be inserted, namely :—

"94A. *Delegation of powers.*—The Corporation, and, subject to any regulations made by the Corporation in this behalf, the Standing Committee may direct that all or any of the powers and functions which may be exercised or performed by the Corporation or the Standing Committee, as the case may be, may, in relation to such matters and subject to such conditions, if any, as may be specified, be also exercisable by any officer or authority subordinate to the Corporation."

25. Amendment of section 97, Act XXXIV of 1948.—In sub-section (*2*) of section 97 of the principal Act,—

(*a*) for clause (*xix*) the following clause shall be substituted, namely :—

"(*xix*) the returns to be submitted and the registers or records to be maintained by the principal and immediate employers, the forms of such returns, registers or records, and the times at which such returns should be submitted and the particulars which such returns, registers and records should contain;";

(*b*) for clause (*xxi*) the following clause shall be substituted namely :—

"(*xxi*) the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the officers and servants of the Corporation other than the Principal Officers;";

(*c*) after sub-section (*2*) the following sub-section shall be inserted namely:—

"(*2A*) The condition of previous publication shall not apply to any regulations of the nature specified in clause (*xxi*) of sub-section (*2*)."

26. Omission of section 98, XXXIV of 1948.—Section 98 of the principal Act shall be omitted.

27. Insertion of new section 100 in Act XXXIV of 1948.—After section 99 of the principal Act, the following section shall be inserted, namely :—

"100. *Repeals and savings.*—If, immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law corresponding to this Act, that law shall, on such day, stand repealed :

Provided that the repeal shall not affect—

(*a*) the previous operations of any such law, or

(*b*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(*c*) any investigation or remedy in respect of any such penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :

Provided further that subject to the preceding proviso anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act."

28. Amendment of Schedule I, Act XXXIV of 1948.—In Schedule I to the principal Act, for paragraph 2 the following paragraph shall be substituted, namely :—

2. The average daily wages shall be : —

(*a*) In respect of an employee whose wage period is a day, the amount of wages earned during the week divided by the number of days worked in that week ;

(*b*) in respect of an employee employed on the basis of any other wage period, the amount of wages earned in that wage period in which the contribution falls due divided by the number of days worked in such wage period ;

(*c*) in respect of an employee employed on any other basis, the amount calculated on the basis of wages earned for the day on which the contribution falls due or on such other day as may be specified in the regulations in this behalf.

Explanation I.—Subject to any regulations made in this behalf the term "days worked" means the number of days on which the employee worked for wages.

Explanation II.—Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the days worked as part of the day preceding.

Explanation III.—Except as provided by regulations, wages, pay, salaries or allowances paid in respect of any period of leave or holidays other than the weekly holidays shall not be taken into account in calculating wages.

Explanation IV.—"Wage period" means the period in respect of which wages are ordinarily payable whether in terms of the contract of employment express or implied, or otherwise."

29. Amendment of Schedule II, Act XXXIV of 1948.—In Schedule II to the principal Act,—

(*a*) in paragraph 2,—

(*i*) after the word and figures "section 48" the words "plus the number of any other weeks in that contribution period for which contributions were paid in respect of the person" shall be inserted;

(*ii*) in *Example 3*, for the words "benefit year" the words "benefit period" shall be substituted;

(*b*) in paragraph 3, for the words "provided that", the following words shall be substituted, namely:—

"Provided that where no contribution was paid in respect of the employee during the aforesaid period of fifty-two weeks the disablement and dependants' benefit shall be an amount equivalent to one-fifty-second part of the monthly wages calculated in accordance with section 5 of the Workmen's Compensation Act, 1923 (VIII of 1923), and provided further that";

(*c*) in paragraph 4, in the second proviso to sub-paragraph (*ii*),—

(*i*) for the words "legitimate children" the words "legitimate children or adopted son" shall be substituted;

(*ii*) for the words "exceeds the full rate" the words "exceeds at any time the full rate" shall be substituted; and

(*iii*) for the word "reduced" the word "altered" shall be substituted;

(*d*) in paragraph 5, for the words and figures "Commissioner appointed under the Workmen's Compensation Act, 1923" the words "Employees' Insurance Court having jurisdiction" shall be substituted.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION.

No. L.D. 1484—Legis. 4-51-59, dated Bangalore, 1st November 1951.

Ordered that the Companies (Donations to National Funds) Act, 1951 (Central Act No. LIV of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 18th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Received assent on 17th October 1951.

GOVERNMENT OF INDIA

THE COMPANIES (DONATIONS TO NATIONAL FUNDS) ACT, 1951. (LIV OF 1951).

AN

ACT

to enable companies to make donations to national funds.

BE it enacted by Parliament as follows:—

1. **Short title and extent.**—(*1*) This Act may be called the Companies (Donations to National Funds) Act, 1951.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. **Definitions.**—In this Act,—

(*a*) "company" means a company as defined in section 2 of the Companies Act, and includes a company deemed to be incorporated and registered under that Act by virtue of section 2B thereof;

(*b*) "the Companies Act" means the Indian Companies Act, 1913 (VII of 1913).

3. **Power of companies to make donations to certain National Funds**—Any company may, notwithstanding anything contained in the Companies Act or in any other law for the time being in force regulating the affairs thereof, and not withstanding that the memorandum or articles of association of the company do not enable it so to do, by an extraordinary resolution passed in accordance with the provisions contained in section 81 of the Companies Act, authorise the making of donations to the Gandhi National Memorial Fund or the Sardar Vallabhbhai National Memorial Fund, or to any other Fund established for a charitable purpose which by reason of its national importance has been approved by the Central Government for the purposes of this section.

4. **Repeal of Act XXXV of 1948.**—The Gandhi National Memorial Fund Donations(Companies) Act, 1948, is hereby repealed.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION.

No. L.D. 1497—Legis. 4-51-61, dated Bangalore, 5th November 1951.

Ordered that the Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951 (Central Ordinance VI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 29th October 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

THE INDIAN INDEPENDENCE PAKISTAN COURTS (PENDING PROCEEDINGS) ORDINANCE, 1951.

No. VI OF 1951

An Ordinance to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title.—This Ordinance may be called the Indian Independence Pakistan Courts (Pending Proceedings) Ordinance 1951.

2. Definition.—In this Ordinance, the expression "decree to which this Ordinance applies" means any such judgment, decree or order as is referred to in—

(*i*) clause (*3*) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or

(*ii*) paragraph (*5*) or paragraph (*6*) of article 13 of the High Courts (Bengal) Order, 1947, or

(*iii*) paragraph (*4*) or paragraph (*6*) of the High Courts (Punjab) Order, 1947,

which has been passed by a Court in Pakistan and which imposes any liability or obligation on a Government in India.

3. Certain Pakistan decrees not to be given effect to in India.—Notwithstanding anything contained in any of the orders referred to in section 2, no decree to which this Ordinance applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government in India.

4. Right of holder of a decree to which this Ordinance applies to institute fresh proceedings in India.—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), any person in whose favour a decree to which this Ordinance applies has been passed may, within one year from the commencement of this Ordinance, institute a fresh suit or other legal proceeding in respect of the cause of action on which such decree was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L. D. 1530—Legis. 5-51-70, dated Bangalore, 12th November 1951.

Ordered that Notification No. S.R.O. 1561, dated the 5th October 1951 of the Ministry of Law, amending the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 5th October 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 5th October 1951.

No. S. R. O. 1561.—In exercise of the powers conferred by Section 23 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, hereby makes the following further amendment in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, namely:—

In sub-rule (2) of Rule 20 of the said Rules, the words "at any time after the roll is finally published and before the constituency is called upon to elect" shall be omitted.

(No. F. 10/51—C.)

NOTIFICATION.

No. L.D. 1531—Legis. 5-51-71, dated Bangalore, 12th November 1951.

Ordered that Notification No. S.R.O. 1562, dated the 5th October 1951 of the Ministry of Law, amending the Representation of People (Conduct of Elections and Election Petitions) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 5th October 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW

NOTIFICATION.

New Delhi, the 5th October 1951.

No. S.R.O. 1562.—In exercise of the powers conferred by Section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely:—

1. In clause (*a*) of Rule 40 of the said Rules,—

   (*a*) for the words "by such officer" the words "either by such officer" shall be substituted;

   (*b*) the words "or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified" shall be added at the end.

2. In clause (*a*) of Rule 67 of the said Rules,—

   (*a*) for the words "by such officer" the words "either by such officer" shall be substituted;

   (*b*) the words "or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified" shall be added at the end.

3. In Schedule I to the said Rules,—

   (*a*) in Form 11, in clause (*a*) paragraph 4 under the heading "Instructions"—

   (i) for the words "by such officer" the words "either by such officer" shall be substituted, and

   (ii) the words "or by a magistrate" shall be added at the end;

(b) in Form 18, in clause (a) of paragraph 5 under the heading "Instructions"—

(i) for the words "by such officer" the words "either by such officer" shall be substituted;

(ii) the words "or by a magistrate" shall be added at the end.

(No. F. 134/51—C.)

K. V. K. SUNDARAM, *Secy.*

NOTIFICATION.

No. L.S. 3174—L.W. 168-51-6, dated Bangalore, 13th November 1951.

Whereas an industrial dispute exists between the Management of the Mysore Spinning and Manufacturing Company Limited, Bangalore, and the Workmen employed in the said concern, in respect of the matters specified in the schedule below;

And whereas in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L. S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

(1) No employee who has put in a continuous service of three years in the concern should be discharged or dismissed without his case being enquired into by a joint committee of representatives of Labour Association (Trade Union) and the Management.

(2) Raising the basic wages of a daily rated employee to Rs. 1-6-0 and giving him a regular increment of one anna for every six months.

(3) Increasing the existing Dearness Allowance to Re. 0-4-0 per point over the cost of living index.

(4) Grant of additional leave to the employees with wages with effect from 1st January 1951, as noted below :—

(a) Festival leave of 15 days in a year.
(b) Casual leave of 15 days per year.
(c) Medical leave to a worker while under treatment.

(5) Grant of service gratuity to every employee of two months' wages for every year of service rendered, in addition to Provident Fund.

(6) Recovery of Membership subscription due to the Labour Association (Trade Union) from the wages of employees.

(7) Increasing the Provident Fund contribution by the Management to 10 per cent.

(8) Watch and Ward workers not to be required to work for more than eight hours a day, unless they are paid over-time wages.

(9) Increasing the minimum piece rate wages so as to ensure a minimum earning of Rs. 3 per day.

(10) Grant of a bonus of three months' wages per year from the year 1949.

(11) Immediate payment of arrears of leave wages due to the employees as per Factory Act.

(12) Payment of arrears of wages due to the employees of the Weaving Department as a result of a new basis of calculation and introduction of new designs since 1942.

(13) No employee to be discharged or dismissed until an agreement is reached on the demands either by compromise or arbitration.

(14) No employee to be shifted from one Department to another unnecessarily and without payment of an extra allowance of Re. 0–6–0 per day, in case of such shifting.

(15) Fixing the age of retirement at 60 years.

(16) Providing increased Hospital facilities to the workers, such as beds, nursing and medical attention during night.

(17) Workers sustaining injuries in the course of employment due to accident, etc., to be paid full wages while under treatment.

(18) Women workers under maternity confinement to be paid three months' wages.

(19) Providing educational facilities within the Mills area for imparting general and technical education to the employees and their children.

(20) Employing separate workmen in the piece-work department for cleaning, oiling and removing the finished goods.

(21) Permanent worker A and B class, whether daily-rated or piece-rated to be paid full wages for 'played off' days.

(22) Employees acting in a higher grade to be paid the wages in the higher grade, while so acting.

(23) A jobber in the Weaving Department to look after only 24 looms.

(24) A jobber to get at least 25 per cent increase of wages over the wages given to the weaver working under him.

(25) Cloth, as detailed below, to be supplied to the employees and their families at ex-Mill rates.—

Shirting	...	15 yards.
Coating	...	10 yards.
Dhoties	...	2 pairs.
Towels	...	2 pairs.
Sarees	...	2 pairs.
Jackets	...	6 yards.

(26) Providing free quarters to all employees or, in the alternative, payment of a house rent of Rs. 10 per mensem per worker.—

(27) Reinstatement of all workers discharged in connection with the National Movement of 1942-47 or the Trade Union Movement of 1946-49.

(28) Payment of an extra allowance of Re. 0–8–0 to every night shift worker.

(29) No dearness allowance to be cut, for absence not exceeding four days in a month.

(30) A worker suffering from Tuberculosis or any occupational disease to be paid full wages while under treatment, and a compensation of Rs. 2,500 on being certified as unfit for further service.

(31) Piece workers to be supplied with necessary materials at their place of work.

(32) Women workers in monthly period to be given three days' leave with full wages.

(33) Periodical promotions for extraordinary efficiency and ability.

(34) The wages of jobbers to be increased as follows :—

		Rs.	a.	p.
(*a*) Head jobber	...	4	0	0
(*b*) Side jobber	...	3	4	0
(*c*) Ariya jobber	...	3	0	0
(*d*) Oilman and Binders	...	2	4	0
(*e*) Permanent Helper	...	2	0	0

(35) Wastage in production to be charged to the Company's account.

(36) Tools and equipment to be supplied free of cost to the workers in the S. Drawing Department.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 6662 - C. 145-50-24, dated Bangalore, the 14th November 1951.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with Government of India, Ministry of Food Notification No. S.R.O. 703, dated 4th October 1950 as amended by Notification dated 21st July 1951 and with the concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Articles of Food Acquisition (Harvest) Order, 1949, namely :—

In item (4) of the proviso to sub-clause (1) of Clause 17 of the Articles of Food Acquisition (Harvest) Order, 1949, *after the words* "of foodgrains" occurring in the last line, the words "other than paddy and rice" shall be inserted.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

NOTIFICATION.

No. C. 1220—Co. 23-49-95, dated Bangalore, 17th November 1951.

In exercise of the powers conferred by Section 3 and Clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the

following further amendments shall be made in the Notification No. C. 3130—Co., dated 3rd October 1949, namely.—

In the schedule annexed to the said Notification—

(1) To the entries under the heading "J. R. GEIGY S. A. BASLE", the following entries shall be added, namely :—

IRGAFEN CPS. AMPOULES.

		Rs.	a.	p.
Boxes of 5 ampoules of 5 cc.	...	7	8	0
Boxes of 50 ampoules of 5 cc.	...	69	0	0

(2) To the entries under the heading "MESSRS. CHAS. PFIZER & CO., INC., NEW YORK", the following entry shall be added, namely:—

	Rs.	a.	p.
Dihydrostreptomycin Sulfate—5 gram vial	21	8	0

(3) To the entries under the heading "MESSRS. MERCK & CO., INC., U.S.A.", the following entry shall be added, namely :—

	R.	a.	p.
Solution of Dihyd ostreptomycin Sulphate—1 gram vials ...	4	8	0

(4) The following heading and entries shall be added, namely,—

THE NEW CONTINENTAL TRADERS LTD., BOMBAY.

(*The Pacific States Laboratories Inc., U.S.A.*)

	Rs.	a.	p.
Penicilin Tablets, each of 50,000 units, box of 12 tablets ...	6	1	0
Testosterone Propionate—25 mg. per cc. vials of 10 cc. per vial ...	18	14	0
Progestorone—10 mg. per cc.— vials of 10 cc. per vial ...	10	8	0

(5) The following heading and entry shall be added namely:—

MESSRS DEY'S MEDICAL STORES LIMITED, CALCUTTA.

(*Winthrop Products Inc., New York*)

	Rs.	a.	p.
Wintrodin Brand Sulphadiozine Tablets of 0·5 gram (7½ grs.) bottle of 1,000 tablets, per bottle ...	118	0	0

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, TUESDAY, NOVEMBER 20, 1951

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 1566—Legis. 51-51-1, Bangalore, dated 20th November 1951.

Ordered that the accompanying Mysore Legislature (Prevention of Disqualification) (Amendment) Act, 1951 which received the assent of His Highness the Maharaja, on the 18th day of November 1951, be published as Mysore Act No. XXXI of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XXXI OF 1951.

THE MYSORE LEGISLATURE (PREVENTION OF DISQUALIFICATION) (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the Eighteenth Day of November 1951.)

An Act to amend the Mysore Legislature (Prevention of Disqualification) Act, 1951.

Preamble.

WHEREAS it is expedient to amend the Mysore Legislature (Prevention of Disqualification) Act, 1951, (Mysore Act XXV of 1951), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Legislature (Prevention of Disqualification) (Amendment) Act, 1951.

Amendment of schedule to Mysore Act No. XXV of 1951.

2. In the schedule to the Mysore Legislature (Prevention of Disqualification) Act, 1951, after item 2, the following item shall be added, namely,—

"3. Member of any Industrial Tribunal constituted by the State Government under the Industrial Disputes Act, 1947, (Central Act XIV of 1947)."

Repeal of Mysore Ordinance No. II of 1951.

3. The Mysore Legislature (Prevention of Disqualification) (Amendment) Ordinance, 1951, is hereby repealed.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, NOVEMBER 29, 1951 [No. 4L

PART IV

Section—1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 1475—Legis. 3-51-31, dated Bangalore, 26th October 1951.

Ordered that the Companies (Donations to National Funds) Bill, 1951 (Central Bill No. 77 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 22nd September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 18th September, 1951—

A Bill to enable companies to make Bill No. 77 of 1951 donations to national funds.

BE it enacted by Parliament as follows :—

1. **Short title and extent.**—(*1*) This Act may be called the Companies (Donations to National Funds) Act, 1951.

(*2*) It extends to the [illegible] of India except the State of Jammu and Kashmir.

2. **Definitions.**—In this Act,—

(*a*) "company" means a company as defined in section 2 of the Companies Act, and includes a company deemed to be incorporated and registered under that Act by virtue of Section 2B thereof;

(*b*) "the Companies Act" means the Indian Companies Act, 1913 (VII of 1913).

3. **Power of companies to make donations to certain National Funds.**—Any company may, notwithstanding anything contained in the Companies Act or in any other law for the time being in force regulating the affairs thereof, and notwithstanding that the memorandum or articles of association of the company do not enable it so to do, by an extraordinary resolution passed in accordance with the provisions contained in Section 81 of the Companies Act, authorise the making of donations to the Gandhi National Memorial Fund or the Sardar Vallabhbhai National Memorial Fund, administered by the President of the Indian National Congress, or to any other Fund established for a charitable purpose which by reason of its national importance has been approved by the Central Government for the purposes of this section.

4. **Repeal of Act XXXV of 1948.**—The Gandhi National Memorial Fund Donations (Companies) Act, 1948, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Associated Chambers of Commerce and many companies who are desirous of making donations to the Sardar Vallabhbhai National Memorial Fund which has been established for carrying out objects conducive to the general welfare have approached Government to remove the legal difficulty that has arisen owing to the absence of a provision in the articles of association of some companies authorising the making of such donations. Even if the shareholders decide at a special meeting to make a donation, in the absence of any authorising provision in the articles of association they are not legally entitled to do so. Act XXXV of 1948 was passed for the purpose of removing this difficulty in the case of donations to the Gandhi National Memorial Fund. It is now proposed that a similar legislation be undertaken to cover donations to the Sardar Vallabhbhai National Memorial Fund and other similar National Funds established for charitable purposes and which by reason of their national importance have been approved by the Central Government in this behalf. The donations can only be made if the general body of the companies have met at a special meeting and approved the making of such gifts by the passing of an extraordinary resolution in the manner required by Section 81 of the Indian Companies Act, 1913.

As a matter of drafting, the Bill has been framed as a consolidating measure.

NEW DELHI;

The 8th September, 1951.

C. RAJAGOPALACHARI.

M. N. KAUL, *Secretary*.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Ban[redacted]

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION

No. C. & D. 859, dated Bangalore, 12th November 1951.

The following Public Notices issued by the Government of India, Ministry of Commerce and Industry, are republished for the information of the public :—

(1) No. 165-ITC (PN)—51, dated 16th October 1951 ;
(2) No. 166-ITC (PN)—51, dated 16th October 1951 ;
(3) No. 167-ITC (PN)—51, dated 16th October 1951 ;
(4) General Licensing Instruction No. 127—51, dated 17th October 1951 ;
(5) Express Letter No. 1-M & O (15)—51, dated 11th October 1951.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY

IMPORT TRADE CONTROL

New Delhi, the 16th October 1951.

Public Notice.

Subject :—Issue of July-December, 1951 licences to established importers who failed to obtain licences for January-June, 1951.

No. 166-ITC (P.N.)—51. In the licensing policy for the July-December, 1951 period announced in this Ministry's Public Notice No. 105-ITC (PN)—51, dated the 15th June, 1951, the provisions made for the doubling of certain licences and the issue of supplementary licences in the case of certain Serial Numbers of the Import Trade Control Schedule, were based on the assumption that established importers would have obtained licences for January-June 1951, in the ordinary course of their business. It has since been represented that in some cases established importers were unable to obtain licences for January-June 1951, because of certain reasons. It has accordingly been decided, on further consideration, to allow such parties to apply for licences for the current period, subject to the conditions set out below.

2. Applications will be entertained from such established importers, who would have qualified for a quota licence in terms of the policy and licensing basis applicable to the licensing period January-June 1951 and who are able to show good and sufficient cause for their failure to obtain a licence for that period.

3. In the case of such applications as are now admitted, licences will be granted according to entitlement, for the July-December, 1951 period only. In calculating the entitlement the increased quota percentages allowed in the case of items for which supplementary licences are being granted *vide* Appendix "A" of Public Notice No. 105–ITC (PN)—51, dated the 15th June, 1951 will be taken into account.

4. It should be clearly understood that it will not be possible to entertain applications for July-December licences on any of the following grounds :—

(*a*) Imports made during the financial year 1950-51 being larger than the years for which evidence could be produced in January-June 1951.

(*b*) Cases where the July-December quota would be below Rs. 500, since that was the minimum value for which a quota licence could issue under the rules in force in January-June 1951.

5. Applications should be made in the prescribed form and manner applicable in the case of established importers, together with the required documentary evidence, treasury challan on account of the licensing fee, to the Import Trade Controllers at the ports by the 10th November, 1951. The application and covering letter, if any, should bear the following endorsement in block letters written in red ink as follows :—

"APPLICATION IN TERMS OF PUBLIC NOTICE No. 166–ITC (P.N.)—51, DATED THE 16TH OCTOBER, 1951."

L. K. JHA,
Joint Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

IMPORT TRADE CONTROL

New Delhi, the 16th October 1951.

Public Notice.

Subject :—Licensing of Ale, Beer and Wines, Whiskey, Spirits, etc., falling under Serial Nos. 82, 83 and 84 of Part IV of the Import Trade Control Schedule.

No. 167-ITC (P.N.)—51. In view of the representations received from time to time from the trade, it has been decided that the quota for the import of all varieties of alcoholic beverages falling under Serial Nos. 82, 83 and 84 of Part IV of the Import Trade Control Schedule should be the same.

2. For this purpose, established importers of ale, beer, etc., under Serial No. 82 and of wines under Serial No. 83 of Part IV will be given additional licence for July-December 1951, the value of which will be calculated as a multiple of the January-June 1951 licence held by them. In the case of ale, beer, etc., falling under Serial No. 82, the additional licence will be equal to one and one-third of the January-June 1951 licence held by the importer and in the case of wines falling under Serial

No. 83, it will be equal to twice the value of the January-June 1951 licence. In effect therefore the total quota for the July-December period taking into account the quantity admissible under the doubling scheme, the supplementary licence already issued and the additional licence provided for under this scheme will amount to 50 per cent of half of best year's imports.

3. It has further been decided that established importers who could not get a licence during January-June 1951 under these serial numbers owing to the smallness of their quota will be permitted to make fresh applications for July-December 1951 period and will be given quota licences equal to 50 per cent of half of the best year's imports.

4. The last date for applying for additional licences or quota licences under the paragraphs 2 and 3 above will be the 31st October 1951. Licences issued to these who are not established importers, *e.g.*, to hotels and restaurants will not be entitled to any increase. Applications from established importers should be made to the ports along with the treasury challan for the requisite amount and other necessary documents.

5. It has also been decided that now that there is a uniform quota for goods falling under Serial Nos. 82, 83 and 84, licence-holders of any one of these items can, at their action, utilise the licence for the import of any of the items covered by the three Serial Nos. A licence for ale and beer will therefore be valid for the import of wines and whiskey and brandy and *vice versa*, at the option of the importer without any specific endorsement being made on the licence itself.

L. K. JHA,
Joint Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

IMPORT TRADE CONTROL.

New Delhi, the 16th October 1951.

Public Notice.

Subject:—Import of shoe laces, shoe rubber soles and heels from Dollar currency countries under Export Promotion Scheme.

No. 165. I.T.C. (PN)—51. The attention of the importers is invited to the late Ministry of Commerce Public Notice No. 118-I.T.C. (PN)—50, dated the 26th September 1950, regarding Export Promotion Scheme.

2. It has been decided to allow the import from Dollar currency countries of shoe laces and shoe rubber soles and heels falling under Serial Nos. 222—IV and 41—V, respectively, of the Import Trade Control Schedule under the Export Promotion Scheme.

3. The import of these goods will be allowed on the following basis :—

(i) In the case of rubber soles and heels, ten per cent of the value of shoes (with rubber soles and heels) exported in the previous quarter.

(ii) In the case of shoe laces, half per cent of the value of shoes exported in the previous quarter.

4. Applications should be made to the Import Trade Controllers at ports in the form and manner prescribed in the Commerce and Industry Ministry Public Notice No. 150-I.T.C.(PN)—50, dated the 15th December, 1950, together with the documents specified in Public Notice No. 118-I.T.C.(P.N.)—50, dated the 26th September, 1950.

L. K. JHA,
Joint Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS.

New Delhi, the 17th October 1951.

Impert Trade Control.

General Licensing Instruction No. 127—51.

Subject:—Increase in c.i.f. value of licences owing to increase in continental and U.K. freight rates.

In view of the general increase in prices including the rise in the freight rates it had been decided that January-June 1951 licences entitled to be doubled in value would be deemed to be automatically valid for additional imports up to 10 per cent of the original value of the licence in terms of para 2 of Commerce and Industry Ministry Public Notice No. 105-I.T.C.(PN)—51, dated 15th June 1951.

2. Representations have been received urging that in view of the rise in the continental and U.K. freight rates the increase of 10 per cent referred to in para 1 above is not sufficient and the value of the licence should be increased further. The question has been examined in consultation with the Ministry of Finance and it is felt that the automatic increase of 10 per cent already given should be normally adequate to cover the additional freight increase also.

3. In the case of licences which were not doubled, *viz.*,—

(i) Capital Goods licences

(ii) H. E. P. licences

(iii) Licences issued to cover orders placed by the D.G.S.D.

(iv) Licences issued to cover contracts placed by the Government Railways, and

(v) Others

where the 10 per cent increase has not been allowed or in cases where the increase in value on account of rise in freight is particularly large. The question of allowing a suitable increase in the value of licence should be considered on the merits of each case against individual applications, if supported by documentary evidence to show that the increase in freight rates has been particularly large.

[Issued from file No. 15-Pol(11)—51]

L. K. JHA,
Chief Controller of Imports.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

OFFICE OF THE CHIEF CONTROLLER OF EXPORTS

New Delhi, the 11th October 1951.

Express Letter.

To

The Deputy Chief Controller of Exports, Bombay/Madras.
The Joint Chief Controller of Exports, Calcutta.
The Export Trade Controller, Amritsar/Shillong.

Subject :—Export of Copper Oxide.

No. 1-M & O(15)—51. Reference Ministry of Commerce and Industry Notification No. 91-CW(10)—48, dated the 18th August, 1951, under which Copper Oxide have been brought under control.

2. Applications for the export of Copper Oxide may be referred to this office for orders.

K. N. AGHA,
Controller,
For *Chief Controller of Export*.

NOTIFICATION.

No. C. & D.—861, dated Bangalore, 12th November 1951.

The following Public Notices and letters issued by the Government of India, Ministry of Commerce and Industry, are republished for the information of the public :

No. 31—Misc. (1)—51, dated 5th October 1951 ;
No. 169—ITC(P.N.)—51, dated 17th October 1951 ;
No. 170—ITC(P.N.)—51, dated 18th October 1951 ;
No. 17—ITC(Press)—51, dated 20th October 1951 ;
No. I—T(7)—51, dated 24th October 1951 ; and
No. 81—M.A. (1)—48, dated 29th October 1951.

By Order of His Highness the Maharaja,

R. J. REGO,
Secretary to Government,
Development Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

OFFICE OF THE CHIEF CONTROLLER OF EXPORTS.

New Delhi, the 5th October 1951.

Express Letter.

To—The Joint Chief Controller of Imports and Exports, Bombay/Calcutta.
The Deputy Chief Controller of Imports and Exports, Madras.
The Export Trade Controller, Amritsar/Shillong.

Subject.—Export of Zari goods and filigree articles.

No. 31-Misc. (1)—51. In supersession of all previous instructions on the above subject it has now been decided that the export of zari goods, real as well as immitation, and silver filigree articles should be allowed freely without licensing restriction, *i.e.*, under Open General Licence. Necessary amendment to Open General, Licence No. 4, will be issued shortly.

2. A trade notice on the subject may be issued by you as usual.

N. SIVARAMAN,
Assistant Controller,
For Chief Controller of Exports.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

IMPORT TRADE CONTROL.

New Delhi, the 17th October 1951.

PUBLIC NOTICE

Subject.—Import of typewriters from soft currency countries.

No. 169-ITC (P.N.)—51. It has been decided to issue some further licences for the import of typewriters from soft currency countries. Established importers and sole agents of manufacturers in soft currency countries, who find that they are in a position to import more typewriters before the end of June 1952 than they have licences for, should send to the Chief Controller of Imports, New Delhi, on or before the 30th November 1951, the following information :

(*a*) Total number of typewriters for which the applicant has existing licences in hand.

(*b*) Total number of typewriters (indicating makes and types) which the firm is in a position to import before the end of June 1952.

(*c*) Whether the firm has made any supply of that particular make of typewriter to the Controller of Printing and Stationery, Government of India or to a State Government.

(*d*) If the applicant is a sole agent, the area for which it holds the sole agency.

2. Original documentary evidence in support of (b) above as well as relevant licence numbers and value, copies of contracts, etc., in respect of the other points should be produced along with the statement. On receipt of replies, allocations will

be worked out and communicated to applicants. Formal applications for import licences in accordance with the usual formalities for the quantity so allocated will then have to be made.

3. Applications and correspondence in pursuance of this notice should be marked clearly on the top with the words "Soft Currency Typewriters."

L. K. JHA,
Joint Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

IMPORT TRADE CONTROL.

New Delhi, the 18th October 1951.

PUBLIC NOTICE.

Subject.—Difficulties in dealing with imports made under one licence through more than one port.

No. 170-ITC(P.N.)—51. In order to deal with some of the difficulties in regard to imports made under one licence through more than one port, the following procedure will be adopted in modification of what was stated in paragraph 2 of Public Notice No. 61-ITC(P.N.)—51 of the 24th March, 1951.

2. When only a part of a consignment covered by any import licence is received and cleared at one port, the licence will be returned to the party concerned with a suitable endorsement by the Customs authorities. The licence will also be registered at that port so that a record is maintained of all clearances against that licence in that register. In case any consignment covered by that licence arrives at another port, the importer will have to obtain a release advice from the port at which the licence is registered to the port where the goods have arrived before release is made.

3. Importers are warned that Customs will not accept any import licence on which there is evidence of any erasure or alteration which is not duly attested by the Customs or import control authorities making them. Likewise, if a licence is lost by the importer and the clearance of his imports is thereby delayed or impeded, the responsibility will be entirely his.

4. In order to facilitate prompt clearance of goods, parties who at the time of applying for licences know that some shipments will arrive at one port and others at another should ask for separate licences in respect of each port so that the need for making cross-references from one port to another will be obviated.

L. K. JHA,
Joint Secretary to the Government of India.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

IMPORT TRADE CONTROL.

New Delhi, the 20th October 1951.

Press Note

No. 17-ITC (Press)—51. Japan has hitherto been treated as a hard currency country for purposes of import and export. The Government of India have now decided that Japan should, with immediate effect, be regarded as a soft currency country. As a consequence, licences which are valid for the import of goods from soft currency countries will be valid for import from Japan. A Public Notice announcing this is being issued in the *Gazette of India* (Extraordinary) dated the 20th October, 1951.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 24th October 1951.

RESOLUTION

Tariffs.

No. I-T. (7)—51. In pursuance of paragraphs 2 and 7 of their Resolution in the late Department of Commerce No. 218-T(55)—45, dated the 3rd November 1945 and paragraph 4 of their Resolution bearing the same number dated the 16th February, 1946, the Government have decided to refer to the Tariff Board for investigation an application for protection or assistance received from the Flax Goods Manufacturing industry.

2. In conducting the inquiry the Board will be guided by the principles laid down in paragraph 5 of the Resolution dated the 3rd November 1945, referred to in paragraph 1 above.

3. Firms or persons interested in this industry or in industries dependent on the use of this article, who desire that their views should be considered by the Tariff Board should address their representations to the Secretary to the Board, Contractor Building, Nicol Road, Ballard Estate, Bombay 1.

ORDER

Ordered that a copy of the Resolution be communicated to all concerned and that it be published in the *Gazette of India*.

K. N. KAUL,

Joint Secretary to the Government of India.

(EXTRAORDINARY GAZETTE)

GOVERNMENT OF INDIA.

MINISTRY OF TRANSPORT

New Delhi, the 29th October 1951.

NOTIFICATION.

Merchant Shipping

No. 81-MA.(1)—48. In exercise of the power conferred by section 5 of the Marking of Heavy Packages Act, 1951 (XXXIX of 1951), the Central Government hereby makes the following Rules, namely :—

1. *Short title and Commencement.*—(1) These Rules may be called the Marking of Heavy Packages Rules, 1951.

(2) They shall come into force on the 1st day of November, 1951.

2. *Manner of Marking of Heavy Packages.*—(1) The gross weight on a heavy package shall be marked thereon in the English and the regional language with a kind of paint which is not easily effaceable.

(2) Where a heavy package is of a light colour, black paint shall be used and where the package is of a dark colour, white or yellow paint shall be used.

3. *Gross weight to be marked in metric tons, killogrammes, maunds or pounds.*—Subject to the provisions of Rule 7, the gross weight of a heavy package shall be marked thereon in metric tons, kilogrammes, standard pounds or standard maunds.

4. *Place of marking.*—The gross weight shall be marked on two sides of a heavy package so that in whatever position the package is placed, the marking is easily visible.

5. *Size of letters or figures.*—Every letter or figure used to mark the gross weight of a heavy package shall be at least three inches in length and one quarter of an inch in breadth.

6. *Manner of packing.*—(1) The goods in a heavy package shall be securely packed in a strong covering in such manner that there is no movement of the goods inside the package or any danger of the disintegretation of the goods or the covering.

(2) The covering shall be of such material and nature as can stand the strain of the package being handled during the course of loading or unloading so that the risk of any injury to persons who handle the package is minimised.

7. *Marking of approximate weight in certain circumstances.*—Where at the place from where heavy package is consigned there are no means available for determining the correct weight of the package, the anticipated minimum and maximum weight of the package in metric tons, kilogrammes, standard pounds or standard maunds shall be marked thereon in the manner herein before specified :

PROVIDED THAT such anticipated maximum weight shall be so assessed that it does not fall below the actual weight of the package.

Illustration.—Where the anticipated minimum weight of a package is one ton and the anticipated maximum weight two tons, the package shall be marked

" Between one and two metric tons "

H. C. SARIN,
Deputy Secretary to the Government of India.

NOTIFICATION.

No. L.D. 1004—Legis. 6-51-27, dated Bangalore, 17th September 1951.

Ordered that Notification No. S.R.O's 1340 and 1342, dated the 1st September 1951, under clause (c) of section 29 and under the second proviso to Rule 25 of Order V in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), published in the *Gazette of*

India, Part II, Section 3, dated the 1st September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION

New Delhi, the 1st September, 1951.

S.R.O. 1340.—In exercise of the powers conferred by clause (c) of Section 29 of the Code of Civil Procedure, 1908 (V of 1908), the Central Government hereby declares that the provisions of the said section shall apply to all civil and revenue courts in Pakistan.

[No. F. 22-I—51-L.]

S.R.O. 1342.—In pursuance of the second proviso to Rule 25 of Order V in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), the Central Government hereby specifies the following officers in Pakistan to whom a summons may be sent for service on a defendant who is a public officer in Pakistan (not belonging to the Pakistan Military, Naval or Air Forces), namely :—

(a) where the defendant is a public officer serving in connection with the affairs of the Dominion of Pakistan or is a servant of a Railway in Pakistan, to the Secretary to the Governmeut of Pakistan in the Ministry of the Interior.

(b) where such defendant is serving in connection with the affairs of any other Government in Pakistan or under any local authority in Pakistan, to the Home Secretary to that Government or, as the case may be, to the Home Secretary to the Government within whose territory the local authority has its jurisdiction.

[No. F. 22-I—51-L.]

K. V. K. SUNDARAM, *Secretary.*

NOTIFICATION.

No. L.D. 1005—Legis. 6-51-28, dated Bangalore, 17th September 1951.

Ordered that Notification No. S. R. O. 1341, dated the 1st September 1951, of the Ministry of Law appointing the date of coming into force of the Code of Civil Procedure (Second Amendment) Act, 1951 (XIX of 1951), published in the *Gazette of India*, Part II,

Section 3, dated the 1st September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION

New Delhi, the 1st September, 1951.

S.R.O. 1341.—In exercise of the powers conferred by Sub-section (2) of Section 1 of the Code of Civil Procedure (Second Amendment) Act, 1951 (XIX of 1951), the Central Government hereby appoints the first day of September, 1951, as the date on which the said Act shall come into force.

[No. F. 22-I—51-L.]

K. V. K. SUNDARAM, *Secretary.*

NOTIFICATION.

No. L.D. 1332—Legis. 5-51-52, dated Bangalore, 4th October 1951.

Ordered that Notification No. S.R.O. 383, dated the 8th September 1951, of the Ministry of Defence amending the National Cadet Corps Rules, 1948, published in the *Gazette of India*, Part II, Section 4, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF DEFENCE.

NOTIFICATION

New Delhi, the 8th September, 1951.

S.R.O. 383.—In exercise of the powers conferred by Section 13 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government hereby directs

that the following amendment shall be made in the National Cadet Corps Rules, 1948, namely :—

For sub-rule (2) of rule 1 of the said rules, the following sub-rule shall be *substituted, namely* :—

(2) They extend to the whole of India and apply to all persons enrolled or appointed under the Act, wherever they may be.

[No. 56-7-G.—L. & C.—(CCC)—49.]

H. M. PATEL, *Secy.*

NOTIFICATION.

No. L.D. 1337—Legis. 6-51-31, dated (Camp) Mysore, 7th October 1951.

Ordered that Notifications No. S.R.O. 1320, dated 22nd August 1951 and 1321, dated 28th August 1951 of the Ministry of Food and Agriculture, amending the Government of India late Ministry of Agriculture Notification No. F. 9-12—49-PPS., dated 24th June 1950 and late Department of Education, Health and Lands Notification No. 1581—Agri., dated 1st October 1931, under the Destructive Insects and Pests Act, 1914, published in the *Gazette of India*, Part II, Section 3, dated the 1st September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

AGRICULTURE.

New Delhi, the 22nd August 1951.

S.R.O. 1320.—In exercise of the powers conferred by Section 4-A of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following amendments shall be made in the Rules published with the Notification of the Government of India in the late Ministry of Agriculture No. F. 9-12—49-PPS, dated the 24th June 1950, namely :—

In the said Rules—

(1) In the preamble for the words "the Part A and Part C States" the words "any part of India" shall be substituted.

(2) In rule 3 for the words "other Part A State or Part C State" the words "part of India" shall be substituted.

[No. F. 6-21—51-Dte. I]

New Delhi, the 28th August 1951.

S.R.O. 1321.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following further amendments shall be made in the Order published with the notification of the Government of India in the late Department of Education, Health and Lands No. 1581-Agri., dated the 1st October 1931, namely:—

In the said Order—

1. In the preamble the word "British" shall be omitted.
2. In paragraph 2 for the words "Part A States and Part C States" the word "India" shall be substituted.

[No. F. 6-26—51-Dte. I.]

J. V. A. NEHEMIAH, Dy. Secy.

NOTIFICATION.

No. L.D. 1338—Legis. 5-51-54, dated (Camp) Mysore, 7th October 1951.

Ordered that Notification No. S.R.O. 1330, dated 28th August 1951 of the Ministry of Labour, amending the Minimum Wages (Central Advisory Board) Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 1st September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 28th August 1951.

S.R.O. 1330.—In exercise of the powers conferred by Section 29 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby makes the following amendment in the Minimum Wages (Central Advisory Board) Rules, 1949, the same having been previously published as required by the said section.

Amendment.

For Rule 3 of the Minimum Wages (Central Advisory Board) Rules, 1949, the following rule shall be substituted, namely:—

"3. Constitution of the Central Advisory Board:—

The Board shall consist of the following members, to be nominated by the Central Government namely:—

(i) a Chairman;

(ii) two officers of the Central Government, one of whom shall be the Vice-Chairman;

(iii) one member each from the States of Bombay, West Bengal, Madras, Uttar Pradesh, Bihar, Madhya Pradesh, Hyderabad and Mysore;

(iv) two members by rotation from the States of Assam, Orissa, Punjab and Saurashtra;

(v) two members by rotation from the States of Patiala and East Punjab States Union, Travancore-Cochin, Madhya Bharat and Rajasthan;

(vi) two members representing Part 'C' States;

(vii) seventeen members representing employers in the scheduled employments;

(viii) seventeen members representing employees in the scheduled employments.

[No. LW1. 24 (82)].

P. N. SHARMA, *Under Secy.*

NOTIFICATION.

No. L.D. 1339—Legis. 6-51-30, dated (Camp) Mysore, 7th October 1951.

Ordered that Notification No. S.R.O. 1333, dated the 27th August 1951 of the Ministry of Labour, under clauses (*a*) and (*c*) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946, published in the *Gazette of India*, Part II, Section 3, dated the 1st September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 27th August 1951.

S.R.O. 1333.—In pursuance of clauses (*a*) and (*c*) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), and in supersession of the Notifications of the Government of India in the Ministry of Labour No. L R. 11 (92), dated the 31st August 1949, and No. L.R. 11 (108), dated the 24th July 1950, the Central Government hereby appoints the Chief Labour Commissioner (Central) to exercise the functions of an appellate authority under the said Act in all the territories to which the said Act extends in respect of industrial establishments under the control of the Central Government or a railway administration or in a major port, mine or oilfield and further, hereby, appoints each of the officers specified in column 1 of the Schedule hereto annexed to exercise the functions

of a certifying officer under the said Act in respect of any of aforesaid industrial establishments situated within the territorial limits specified in the corresponding entry in column 2 of the said Schedule :

Provided that the Regional Labour Commissioner, Dhanbad, shall exercise the functions of a certifying officer in relation to Coal Mines in the State of West Bengal.

SCHEDULE.

Designation of officer	*Territorial limits*
1	2
1. Regional Labour Commissioner (Central), Kanpur.	The States of Uttar Pradesh and Delhi.
2. Regional Labour Commissioner (Central), Calcutta.	The States of West Bengal (except coal mines) Tripura, Manipur and Assam.
3. Regional Labour Commissioner (Central), Bombay.	The States of Bombay, Saurashtra and Kutch.
4. Regional Labour Commissioner (Central), Dhanbad.	The States of Bihar, Orissa and Vindhya Pradesh and in coal mines in the State of West Bengal.
5. Regional Labour Commissioner (Central), Madras.	The States of Madras, Mysore, Travancore-Cochin and Coorg.
6. Regional Labour Commissioner (Central), Nagpur.	The States of Madhya Pradesh and Hyderabad.
7. Regional Labour Commissioner (Central), Ajmer.	The States of Punjab, Patiala and East Punjab States Union, Ajmer-Merwara, Himachal Pradesh, Bilaspur, Rajasthan and Madhya Bharat.

[No. L.R. 11 (108).]

S. MULLICK, *Dy. Secy.*

NOTIFICATION.

No. L.D. 1340—Legis. 5-51-53, dated (Camp) Mysore, 7th October 1951.

Ordered that Notification No. S.R.O. 1332, dated the 21st August 1951 of the Ministry of Labour, amending the Industrial Disputes (Central) Rules, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 1st September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

New Delhi, the 21st August 1951.

S.R.O. 1332.—In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby directs that the following further amendment shall be made in the Industrial Disputes (Central) Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely:—

For sub-rule (2) of rule 1 of the said Rules, the following sub-rule shall be substituted, namely;

"(2) They extend to Part 'C' States in relation to all industrial disputes, and to Part 'A' and Part 'B' States in relation only to an industrial dispute concerning.—

(*a*) any industry carried on by or under the authority of the Central Government or by a railway company; or

(*b*) a banking or an insurance company, a mine, an oilfield, or a major port.

[No. LR. 1 (134).]

S. MULLICK, *Dy. Secy.*

NOTIFICATION.

No. L.D. 1841—Legis. 6-51-21 dated Bangalore, 8th October 1951.

Ordered that Notification No. S.R.O. 1292, dated the 21st August 1951 of the Ministry of Commerce and Industry amending the Iron and Steel (Control of Production and Distribution) Order, 1941, published in the *Gazette of India*, Part II, Section 3, dated the 25th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 21st August 1951.

S.R.O. 1292.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government

hereby directs that the following further amendments shall be made in the Iron and Steel (Control of Production and Distribution) Order, 1941, namely :—

In clause 11B of the said Order,—

1. To sub-clause (1), the following shall be added, namely :—

"The Controller may also, by a general or special order in writing, require any person or class of persons enumerated above to pay such amount on account of allowances for contribution to any Equalisation Fund, within such period and in such manner as the Controller may direct in this behalf."

2. Sub-clause (2A) shall be omitted and the following shall be inserted after sub-clause (2), namely :—

"Provided that the Controller may direct that the maximum prices fixed under sub-clause (1) or (2) shall not apply to any specified stocks of iron or steel and may, in respect of such stocks, specify the maximum prices at which such iron or steel may be sold and communicate the same in writing to the persons concerned and any person of persons holding such stocks of iron and steel for which prices have been so specified shall, at the time of the sale of such iron or steel or part thereof, mention the number and date of the order of the Controller in every Cash Memo, Bill or other document evidencing the sale or disposal out of the respective stocks to which the order of the Controller applies.

3. In sub-clause (3) for "sub-clause (1), (2) or (2A)" the words, figures and brackets "sub-clause (1) or (2)" shall be substituted.

[No. SC (A)-4(53)]

N. R. REDDY, Under Secy.

NOTIFICATION.

No. L.D. 1342—Legis. 5-51-55, dated Bangalore, 8th October 1951.

Ordered that Notification No. S.R.O. 1300, dated the 16th August 1951 of the Ministry of Works, Production and Supply amending the Carbide of Calcium Rules, 1937, published in the *Gazette of India*, Part II, Section 3, dated the 25 August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION AND SUPPLY.

New Delhi, the 16th August 1951.

S.R.O. 1300.—In exercise of the powers conferred by Section 4 and sub-section (1) of Section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied to Carbide of Calcium by the notifications of the Government of India, in the late Department

of Industries and Labour No. M-826(1), dated the 15th October 1936, in the late Ministry of Works, Mines and Power No. MII-104(4), dated the 24th January 1951 and in the Ministry of Works, Production and Supply No. M-128(9) (vii), dated the 18th May, 1951, the Central Government hereby directs that the following amendment shall be made in the Carbide of Calcium Rules, 1937, the same having been previously published, as required by sub-section (2) of Section 29 of the said Act, namely :—

In Rule 22 of the said Rules,

(*a*) for clause (c) of sub-rule (1), the following clause shall be substituted, namely :—

"(*c*) If in quantities aggregating more than 3,000 lbs. in an uninhabited building at least 60 feet away from any other premises and at least 30 feet away from any road."

(*b*) for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) Not more than 1,000 tons of Carbide of Calcium shall be stored in any one building, provided that not more than 250 tons of Carbide of Calcium is stored in any one room or other part of the building."

[No. M-104(3)/51.]

A. K. Sen, *Under Secy.*

NOTIFICATION.

No. L.D. 1463—Legis. 5-51-57, dated Bangalore, 24th October 1951.

Ordered that Notification No. S.R.O. 1490, dated 19th September 1951 of the Ministry of Finance (Revenue Division), amending the Part B States (Taxation Concessions) Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 29th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE (REVENUE DIVISION).

(INCOME-TAX.)

New Delhi, the 19th September 1951.

S.R.O. 1490.—In exercise of the powers conferred by Section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby directs that the following further amendment shall be made in the Part B States (Taxation

Concessions) Order, 1950, published with the Notification of the Government of India in the Ministry of Finance, (Revenue, and Expenditure Department) No. S.R.O. 998, dated the 2nd December 1950, namely :—

The proviso to clause (i) of paragraph 15 of the said Order shall be omitted and shall be deemed to have always been so omitted.

[No. 97.]

S. P. LAHIRI, Dy. Secy.

NOTIFICATION.

No. L.D. 1464—Legis. 5-51-58, dated Bangalore, 24th October 1951.

Ordered that Notification No. S.R.O. 1510, dated the 22nd September 1951 of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 29th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

(POSTS AND TELEGRAPHS).

New Delhi, the 22nd September 1951.

S.R.O. 1510.—In exercise of the powers conferred by Section 16 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

For Rule 193 of the said Rules the following rule shall be substituted namely :—

"193. Plain postcards (single and reply) shall be sold for the denoted value of the stamp or stamps which they bear. Special picture postcards (single only) shall be sold at one and a half annas each."

[H.3-1/51.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. C. 1250—C.O. 3-51-8, dated Bangalore, 17—20th November 1951.

Ordered that the accompanying Notification No. S.R.O. 1633, dated the 25th October 1951, issued by the Government of India, Ministry of Commerce and Industry amending the Cotton Textiles (Control) Order, 1948, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 25th October 1951.

S.R.O. 1633.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Cotton Textiles (Control) Order, 1948, namely :—

In the said Order—

(1) In clause 3, sub-clauses (i) and (j) shall be omitted.

(2) Clauses 4 to 11 shall be omitted.

(3) For sub-clauses (1) to (3) of clause 12, the following sub-clauses shall be substituted, namely :—

"12(1) Every producer who has a spinning plant shall sell, in each quarter, at least one-eighth of the total quantity of yarn sold by him in the years 1949 and 1950 taken together.

(2) Notwithstanding anything contained in sub-clause (1) the Textile Commissioner may, having regard to—

(a) the availability of cotton in any particular year;

(b) the capacity of the producer; and

(c) any other factor, including a strike or lock-out affecting the production of yarn,

by a special order fix a quantity of yarn lesser than that specified in sub-clause (1) which shall be sold by any producer in any quarter.

(3) No person shall acquire or instal any loom to be worked by power as defined in clause (g) of section 2 of the Factories Act, 1948 (LXIII of 1948) except with the permission in writing of the Textile Commissioner.

(3A) In granting or refusing permission under sub-clause (3) of the Textile Commissioner shall have regard to the following matters, namely :—

(a) the number of looms already installed or working in the local area ;

(b) whether the looms proposed to be acquired or installed are to be unitilised for weaving cloth ;

(c) the availability of yarn ;

(d) the demand for cloth ;

(e) the necessity for training persons or rehabilitating displaced persons in the weaving industry."

(4) To clause 13, the following proviso shall be added, namely :—

" Provided that nothing in this clause shall apply where any such cloth is manufactured under the written authority of the Textile Commissioner for the purpose of—

(a) export outside India ; or

(b) manufacture of any fabrics specified by the Textile Commissioner; or

(c) meeting any special requirements of the Central Government."

(5) To clause 19, the following proviso shall be added, namely :—

" Provided that nothing in this clause shall apply where any such cloth is produced under the written authority of the Textile Commissioner for the purpose of export outside India or for meeting any special requirements of the Central Government."

(6) Clause 20 shall be re-numbered as sub-clause (1) of that clause and after the sub-clause (1) as so re-numbered, the following sub-clause shall be added, namely :—

"(2) In exercise of the powers conferred upon him by sub-clause (1), the Textile Commissioner shall have regard to the capacity of the producer to produce cloth and yarn of different descriptions or specifications and to the needs of the general public."

(7) In clause 20A—

(1) to sub-clause (i), the following proviso shall be added, namely :—

" provided that any such producer may—

(a) subject to any general order made by the Textile Commissioner in this behalf for the purpose of maintaining or increasing the supplies of cloth, produce any such article to the same extent to which he was producing them during the period of one year immediately preceding the first day of October, 1951 ;

(b) produce any such articles which are required to meet the demands of the Central Government.

(c) make uniforms for his employees from such quantity of cloth as the Textile Commissioner may, by order in writing, specify in this behalf."

(2) for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) Without prejudice to the provisions of sub-clause (1) of clause 12, no producer having a spinning plant shall utilise any yarn except for the purpose of—

(a) weaving of cloth ; or

(b) manufacturing of spindle tapes and tubular bandings for use in his undertaking; or

(c) tying of bundles.

Provided that the Textile Commissioner may, by order in writting, and having regard to—

(a) the quantity of yarn which any such producer is required to sell under the provisions of sub-clauses (1) and (2) of clause 12; and

(b) the quantity of hosiery produced by him in any of the two years 1949 and 1950,

authorise the producer to utilise a specified quantity of yarn for the manufacture of hosiery."

(8) In clause 20-B—

(1) to sub-clause (i), the following proviso shall be added, namely :—

"Provided that the Textile Commissioner may, by general order, permit producers to utilise specified percentage of their spindles for the purposes of spinning staple fibre."

(2) to sub-clause (iii), the following proviso shall be added, namely :—

"Provided that the Textile Commissioner may, by general order, permit producers to manufacture yarn from a mixture of such Indian and foreign cottons as may be specified in the Order."

(9) To clause 20-C, the following provisos shall be added, namely :—

"Provided that nothing in this clause shall apply to any such producer who processes any cloth or yarn under the authority of the Textile Commisioner which is intended for export outside India or is intended to meet the special requirements of the Central Government.

Provided further that where the Textile Commissioner is satisfied that any description of cloth or yarn produced by a producer is not readily saleable unless it is processed and the producer does not possess the necessary processing equipment, the Textile Commissioner may, by order in writing, permit any other producer to carry out such processing in respect of such quantities of cloth or yarn as may be specified in the order."

(10) In clause 21,—

(i) to sub-clause (1) the following proviso shall be added, namely :—

"Provided that the Textile Commissioner may, by general order, permit packing of specified quantities of cloth in bales containing one-half or one-fourth of the quantity of cloth permissible under this sub-clause;

Provided further that this sub-clause shall not apply to—

(a) cloth delivered to Central Government in pursuance of any contract;

(b) cloth sold for export; and

(c) cloth of any description specified in this behalf by the Textile Commissioner which is not required by him for the purposes of issuing any directions under sub-clause (2) of clause 30."

(2) to sub-clause (2) the following proviso shall be added, namely :—

"Provided that the Textile Commissioner may, by general order, permit packing of specified quantities of yarn in bales or packages containing one-half or one-fourth of the quantity of yarn permissible under this sub-clause."

(11) In clause 22, in sub-clause (2) for the words "Provincial Government" in both the places where they occur, the words "State Government" shall be substituted.

(12) For clause 30, the following clauses shall be substituted, namely :—

"30(1) No manufacturer shall sell or deliver any cloth or yarn manufactured by him, except to the following categories of persons, namely :—

(a) persons nominated by the Central Government to acquire cloth or yarn to meet the requirements of the Central Government ;

(b) persons holding licences for export of cloth or yarn out of India ;

(c) wholesale dealers nominated by a State Government ; and

(d) owners and undertakings in which cloth or yarn is required for manufacture of any goods.

(2) The Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn, issue directions to any manufacturer to sell specified quantities of cloth or yarn to specfied persons failing in any of the categories referred to in sub-clause (1) and where any such directions are issued, the manufacturer shall comply with them.

(3) In the exercise of the powers conferred by sub-clause (2), the Textile Commissioner shall have regard to the following matters, namely :—

(a) the requirements of various categories of persons specified in sub-clause (1) ;

(b) the availability of cloth or yarn of different descriptions ; and

(c) the requirements of any local area.

(4) Notwithstanding anything contained in this clause, the Textile Commissioner may, be general order, direct that the provisions of this clause shall not apply to such percentage of cloth or yarn produced by manufacturers as he may specify in the Order."

"30-A(1) A wholesale dealer shall not sell or deliver any cloth or yarn except to a retail dealer or dealers specified by the Controller.

(2) In the exercise of the powers conferred by sub-clause (1), the Controller shall have regard to the following matters, namely :—

(a) the number of retail dealers in any local area ;

(b) the requirements of any specified local area ;

(c) the availability of cloth or yarn for distribution among retail dealers in any local area ; and

(d) the extent of business carried on by a retail dealer."

"30-B(1) A retail dealer shall not sell cloth or yarn, except to a consumer, and except under and in accordance with directions issued from time to time by the Controller.

(2) in the exercise of the powers conferred by sub-clause (1), the Controller shall have regard to the following matters, namely :—

(a) the number of consumers in any local area ;

(b) the requirements of any specified local area ; and

(c) the availability of cloth or yarn for distribution among the consumers in any local area."

(13) Clauses 32 and 33 shall be omitted.

(14) In clause 35 the words and figures " or clause 32 " shall be omitted.

(15) Schedules A and C shall be omitted.

[File No. 9(4)-CT(A)/51.]

S. K. DATTA, *Dy. Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1591—Legis. 52-51-1, dated Bangalore, 24th November 1951.

Ordered that the accompanying Mysore Transfer of Property (Extension to Agricultural Land) Act, 1951, which received the assent of His Highness the Maharaja, on the 18th day of November 1951 be published as Mysore Act No. XXXII of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XXXII OF 1951.

THE MYSORE TRANSFER OF PROPERTY (EXTENSION TO AGRICULTURAL LAND) ACT, 1951.

(Received the assent of H. H. the Maharaja on the eighteenth Day of November 1951).

An Act for extending the operation of the Transfer of Property Act, 1882, to agricultural land in the State of Mysore.

WHEREAS it is expedient to extend the operation of the Transfer of Property Act, 1882 (Central Act IV of 1882), to agricultural land in the State of Mysore; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Transfer of Property (Extension to Agricultural Land) Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

The terms "property" and "immoveable property" in Central Act IV of 1882 to include agricultural land.

2. The terms "property" and "immoveable property" in the Transfer of Property Act, 1882, shall include agricultural land.

Repeal of Mysore Ordinance III of 1951.

3. The Mysore Transfer of Property (Extension to Agricultural Land) Ordinance, 1951, is hereby repealed:

Provided that the repeal shall not affect the operation of section 3 of the said Ordinance and anything done and any action taken under the Transfer of Property Act, 1918 (Mysore Act V of 1918), in so far as it relates to agricultural land shall be deemed to have been done or taken under the corresponding provision of the Transfer of Property Act, 1882, as extended to agricultural land by section 2 of this Act, as if this Act had come into force on the first day of October 1951.

By Order of His Highness the Maharaja,

N. R. JAYA-RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.B. 8121—L.B. 54-51-4, dated Bangalore, 17th November 1951.

Whereas the term of office of the members of the District Boards of the Districts of Bangalore, Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan, Mysore and Mandya is due to expire on the 30th November 1951;

And Whereas it is expedient to reconstitute the said District Boards after the Mysore Village Panchayet and District Boards Bill passed by the State Legislative Assembly becomes law;

Now, therefore, in exercise of the powers conferred by section 24 of the Mysore District Boards Act, 1926 (Mysore Act III of 1926), His Highness the Maharaja of Mysore is pleased to extend the term of the said District Boards for a further period of six months from the first day of December 1951.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

NOTIFICATIONS.

No. W. 823, dated Bangalore, 20th November 1951.

In exercise of the powers conferred by section 21 of the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act No. XXX of 1951), His Highness the Maharaja of Mysore is pleased to fix the amount specified in column 3 of the Table annexed hereto to be the fees payable to the local authorities specified in the corresponding entry in column 2 thereof for the grant of

certified copies of the extract from the property tax assessment book of the local authority under the said section.

TABLE.

1.	City of Bangalore Municipal Corporation and City Municipalities in the State.	Two rupees for every extract.
2.	Town Municipalities, Sanitary Board and Town Boards.	One rupee for every extract.
3.	Local authorities other than those mentioned in items 1 and 2 above.	Eight annas for every extract.

By Order of His Highness the Maharaja,

No. L.S. 3290—L.W. 211-51-2, dated Bangalore, the 22nd November 1951.

In exercise of the powers conferred by Section 39 of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), His Highness the Maharaja of Mysore is pleased to direct that the power conferred on the State Government under Section 3 of the said Act shall be exercised by the Commissioner of Labour in Mysore, Bangalore.

By Order of His Highness the Maharaja,

No. L.D. 1586-9—L.A. 1-51-6, dated Bangalore, the 23rd November 1951.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 5 of the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951 (Mysore Act II of 1951), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made in the Mysore Legislative Assembly (Members' Salaries and Allowances) Rules, 1951, namely :—

In rule 8 A of the said Rules, the explanation shall be numbered as Explanation 1 and after the said explanation as so numbered, the following explanation shall be added and shall always be deemed to have been added, namely :—

"*Explanation* 2—For the purposes of this rule, notwithstanding anything contained in sub-rule (3) of rule 2, when a member arrives a day before or leaves a day

after the day of the meeting, he will be entitled to draw daily allowance for the day of arrival and the day of departure irrespective of the fact whether he arrives after NOON on the day of arrival or leaves before NOON on the day of departure."

By Order of His Highness the Maharaja,

No. L.S. 3296—L.W. 61-51-7, dated 22nd November 1951.

In exercise of the powers conferred by Section 12 of the Industrial Statistics Act, 1942 (Central Act No. XIX of 1942), His Highness the Maharaja of Mysore is pleased to make the following rules, the draft of the same having been previously published under Notification No. L.S. 1700—L.W. 61-51-4, dated the 27th July 1951, in the *Mysore Gazette*, dated the 2nd August 1951, as required by the said section.

THE INDUSTRIAL STATISTICS (LABOUR) RULES, 1951.

1. *Short Title and Commencement.*—(1) These rules may be called the Industrial Statistics (Labour) Rules, 1951.

(2) They shall come into force at once.

2. *Definitions.*—In these rules unless the context otherwise requires,

(*a*) "Act" means the Industrial Statistics Act, 1942 (Central Act XIX of 1942):

(*b*) "employer" means:

(*i*) in the case of a factory, the manager nominated under clause (*f*) of sub-section (1) of section 7 of the Factories Act, 1948 (Central Act LXIII of 1948);

(*ii*) in the case of any other industrial establishment any person responsible for the supervision, control or management of the establishment;

(*c*) "form" means a form set forth in the Schedule to these rules;

(*d*) "industrial establishment" means:

(*i*) a "factory" as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948);

(ii) a "plantation" used or intended to be used for the cultivation of tea, coffee, rubber, or cinchona, or for any purpose connected therewith; and on which twenty or more persons are employed for that purpose.

(e) "Quarter" means a period comprising three months ending on the 31st March, 30th June, 30th September or 31st December; and

(f) "Statistics Authority" means the officer appointed under section 4 of the Act to be the Statistics Authority for the purposes of collecting statistics in respect of the matters specified in clause (b) of sub-section (1) of section 3 of the Act.

3. Service of Notice on the Employer by the Statistics Authority.—

(1) The Statistics Authority shall;

(i) within two months from the date of the commencement of these rules,

OR

(ii) if it is not possible to do so for any unavoidable reason, as soon as possible thereafter, serve a notice on each employer requiring him to furnish to the Statistics Authority in duplicate—

(a) quarterly returns in the appropriate form; and

(b) statements showing the details of revisions in wages and allowances, and of periodic bonuses granted to the workers together with the conditions of eligibility to such bonuses as and when such revisions are made or bonuses granted;

Provided that the Statistics Authority shall, in the case of an industrial establishment which is not in existence at the time of commencement of these rules, serve the said notice on the employer as soon as may be, after the coming into existence of the said establishment requiring him to furnish the said returns and statements in duplicate, to the Statistics Authority by such dates as may be specified in the notice.

(2) The Statistics Authority shall forward with the notice specified in sub-rule (1) an adequate number of forms in which the returns are to be furnished.

(3) Similar notices after the first notice may be served by the Statistics Authority at such intervals as he may decide.

4. *Furnishing of return by the employer.*—(1) Every employer on whom a notice under Rule 3 has been served by the Statistics Authority shall furnish to him in duplicate :—

(*a*) the quarterly returns referred to in clause (a) of sub-rule (1) of Rule 3 within one month after the expiry of each quarter ; and

(*b*) the statements referred to in clause (b) of sub-rule (1) of Rule 3 as and when such revisions are made or such bonuses granted :

Provided that on the representation of the employer, the Statistics Authority may, if he is satisfied that sufficient grounds exist, allow him such extension of time as he may deem fit :

Provided further that where a change takes places in the management of any industrial establishment after the service of the said notice the new employer shall be responsible for the submission of the said returns and statements.

(2) The employer shall retain with himself a true copy of each return and statement submitted under sub-rule (1).

5. *Return of notice relating to an industry with which an employer is not connected.*—If an employer connected with any industrial establishment receives with the notice served under sub-rule (1) of Rule 3 forms relating to an industry with which the establishment is not connected, he shall, within seven days of the receipt of the said notice, return the forms to the Statistics Authority stating the reasons therefor and giving the names of the industry with which the establishment is connected. The Statistics Authority shall thereupon send to the employer within seven days of the receipt of such intimation, the appropriate forms for such industry together with a fresh notice, if necessary, and the employer shall thereafter furnish the returns required therein within the time limits prescribed in Rule 4.

6. *Returns to be furnished in forms supplied for the purpose.*—The returns specified under Rule 3 shall be furnished only in forms supplied by the Statistics Authority, but if the number of forms supplied is not sufficient the employer shall apply to the said authority for the

supply of an adequate number of forms in time. If the forms applied for are not supplied by the Statistics Authority in time, the employer may make copies of the forms already supplied.

7. *Method of service of notice and furnishing of returns.*—The Statistics Authority shall serve the notice referred to in sub-rule (1) of Rule 3 on the employer at his last known address by registered post or through a messenger under a cover entitled "Notice under the Industrial Statistics (Labour) Rules, 1951," and the employer shall furnish the returns and statements specified in sub-rule (1) of Rule 4 by registered post, acknowledgment due or through a messenger, under a cover entitled "Confidential—Return under the Industrial Statistics (Labour) Rules, 1951".

8. *Information to be furnished in English.*—All information required under Rule 3 shall be furnished in English.

CONFIDENTIAL. FACTORIES

SCHEDULE.

FORM—A.

To be submitted to the Statistics Authority within one month after the close of the quarter to which the return relates.

The Industrial Statistics Act, 1942.

The Industrial Statistics (Labour) Rules, 1951.

Return for the quarter ending the.....195

Name of the factory.....*Industry.....

(Using power / Not using power } Please strike out the term not applicable.

Postal address.....District.....State.....

*Where the factory is engaged in more than one industry, please specify the various industries and indicate the main industry taking into account the number of workers employed in each case.

Part I Return of Employment Attendance.

Number of workers on rolls on the last working day of the quarter [*Vide* instruction (*a*)]. { Men..... Women..... Children.....

Number of working days during the quarter [*Vide* instruction (*b*)].....

		1st month of the quarter	2nd month of the quarter	3rd month of the quarter
Total number of man-shifts worked [*Vide* instruction (*c*)] during each month of the quarter	Men..... Women..... Children.....			
Total number of man-shifts lost on account of absence [*Vide* instruction (*d*)] during each month of the quarter due to	Sickness..... Accidents..... Other causes including statutory and other authorised leave.			
Total number of man-shifts lost through involuntary unemployment [*Vide* instruction (*e*)] during each month of the quarter.....				

If there are any marked changes in employment attendance, absenteeism, etc., either in the month to month figures or as compared to the previous quarter, please account briefly for the changes.

PART II—Return on Hours of Work and Earnings.

[The information given in this return should relate to the last month (English Calendar) of the quarter.]

Number of working days in the month.....

...	Average daily attendance during the month. [*Vide* instruction (*f*)].	Aggregate number of man-hours worked during the month. [*Vide* instruction (*g*)].	Total cash earnings during the month *Vide* instruction (h)]					Estimated money value of concessions in kind earned during the month. [*Vide* instruction (*j*)].
			Basic Wages	Dearness allowances	Overtime payments	Other cash payments [*Vide* instruction (*i*)]	Total	
Men ...	...	...	...	...	...	...	...	...
Women ...	...	...	...	...	...	...	...	...
Children ...	...	...	...	...	...	...	...	...

Normal hours of work.	Rest intervals.
1st Shift.—From.....to.....	From.....to.....
2nd Shift.—From .....to.....	From.....to.....
3rd Shift.—From.....to.....	From .....to.....

Please give references to statements regarding revisions in basic wages, allowances, etc., sent during the quarter, if any, in accordance with clause (*b*) of sub-rule (1) of Rule 4.

Please furnish details regarding the scheme of dearness allowance, bonuses, etc., and if the dearness allowance is linked to the cost of living index, indicate how the amount is calculated.....

Please give in the space provided below a distribution of the number of workers on rolls at the end of the month according to the wage period (*e.g.*, week, fortnight, or any other period) adopted for payment in each case.

Wage period (*please specify*).	No. of workers.	Certified that the information given above is correct.
.....	.....	Signature.....
.....	.....	Name (in block letters)...
.....	.....	Designation (in block letters)... .....

INSTRUCTIONS.

(*a*) For definition of "Worker" please see Section 2(1) of the Factories Act, 1948, Workers below 15 years of age should be classified as children. Workers who have completed the 15th year but have not completed the 18th year, if not certified as adults should also be included under children.

(*b*) "Working days" exclude all weekly and other scheduled holidays even if some of the workers or some of the departments are required to work either full time or part of the time on such days unless a majority of the workers in the establishment are working on such day.

(*c*) Total number of man-shifts worked during the month is obtained by adding together the number of workers who worked on each shift on each day of the month.

(*d*) Total number of man-shifts lost during the month on account of absence is obtained by adding together the number of workers absent on each shift on each day during the month. Man-shifts lost by absence due to strike, lock-out or employer ordered lay-off should be excluded.

(*e*) Total number of man-shifts lost through involuntary unemployment is obtained by adding together the number of workers who inspite of being on rolls, remained unemployed for want of coal or raw materials, breakdown on machinery, inadequacy of work, etc., on each shift on each working day of the month.

(*f*) Average daily attendance is obtained by dividing the aggregate number of attendences on all the shifts on all days during the period by the number of working days. Absences in hours need not be considered. Days on which the establishment was closed for whatever cause should not be treated as working day.

(g) Aggregate number of man-hours worked during the period is obtained by adding together the number of man-hours worked on all shifts on all working days. The number of man-hours worked on each shift is obtained by adding together the number of hours worked by each worker on that shift.

(h) Please include all cash payments, deductions under the Payment of Wages Act, 1936, and taxes payable and deducted, if any. Contributions to Provident Funds, Pensions, etc., should not be included. The figures should relate to wages, etc., earned during the month.

(i) This should include other cash allowances, bonuses, etc., if any, earned during the month. Annual bonuses, etc., should be excluded even if they are paid during the month.

(j) This should be worked out by taking into consideration the difference between the wholesale prices of the articles, such as food-grains., cloth, fuel, etc., which are supplied free to workers or at concessional prices and the actual prices at which they are supplied. The details under each head may kindly be furnished separately. The value of uniform supplied to workers while on work and the cost of amenities provided, such as housing, medical aid, etc., should not, however, be included.

CONFIDENTIAL. FORM B. PLANTATIONS.

(To be submitted to the Statistics Authority within one month after the close of the quarter to which the return relates).

The Industrial Statistics Act, 1942.
The Industrial Statistics (Labour) Rules, 1951.

Return for the quarter ending the.....195 .

Name of the estate.....Product { Tea / Coffee / Rubber / Cinchona

(*Strike out the term not applicable.*)

Postal address.....District.....State.....

PART I—Return on Employment and Attendance.

Number of workers on the books on the last working day of the quarter [*Vide* instruction (a)]..... { Garden Labour..... / Men, Women, Minor. / (Outside Labour.....

Number of working days during the quarter—[*Vide* instruction (*b*)] ... .

...			1st month of the quarter	2nd month of the quarter	3rd month of the quarter
Total number of man-days worked [*Vide* instruction (c)] during each month of the quarter.	Garden Labour	Minors			
		Women			
		Miners			
	Outside Labour.	Women			
		Miners			
	Garden Labour.	Miners			
Total number of man-days lost on account of absence [*Vide* instruction (d)] during each month of the quarter due to:	Sickness				
	Accidents				
	Other (causes including statutory and other authorised leave).				
	Outside Labour.				
	Sicknes				
	Accidents				
	Other causes (including statutory and other authorised leave).				

If there is any marked increase or decrease in employment, attendance, absentee, etc., either in this month to month figures or as compared to the previous quarter, please account for it.....

PART II—Return on Hours of Work and Earnings.

[The information given in this return should relate to the last month (English—Calendar) of the quarter.]

Number of working days in the month.....

...	Average daily attendence during the month. [*Vide* instruction (e)].	Total cash earnings during the month [*Vide* instruction (f)]					Estimated money value of concessions in kind earned during the month [*Vide* instruction (h)].
		Basic Wages	Dearness allowances	Payments for overtime or extra work	Other payments [*Vide* instruction (g)].	Total	
Garden Labour—							
Men.....							
Women							
Minors							
Outside Labour—							
Men.....							
Women							
Minors.							

Normal hours of work.—From.....to.....

Rest interval.—From.....to.....

Please give references to statements regarding revisions in basic wages, allowances, etc., sent during the quarter, if any, in accordance with clause (*b*) of sub-rule (1) of rule (4). Please furnish details regarding dearness allowances and bonuses and if the dearness allowance is linked with the cost of living index, please indicate how the amount is calculated.

Certified that the information given above is correct.

Signature.....

Name (in block letters).....

Designation (in block letters) .....

INSTRUCTIONS.

(*a*) "Workers" should include all employees in plantation estates excluding supervisory staff. Workers in plantation factories should be excluded. Workers below eighteen should be considered as minors.

(*b*) "Working days" should exclude all scheduled holidays even if some of the workers are required to work on such days.

(*c*) Total number of man-days worked during the month is obtained by adding together the numbers of workers who worked on each working day of the month.

(*d*) Total number of man-days absent is obtained by adding together the numbers of workers absent on each working day of the month. Man-days lost by absence due to strike, lock-out, or employer-ordered lay-off, should be excluded.

(*e*) Average daily attendance is obtained by dividing the aggregate total number of attendances on all working days during the month by the number of working days.

(*f*) Please include all cash payments and authorised deductions made, if any. Contributions to the Provident funds, Pensions, etc., if any, should not be included. The figures should relate to wages, etc., earned during the month.

(*g*) This should include cash allowances, bonuses, etc., if any, earned during the month. Annual bonuses, etc., should be excluded even if they are paid during the month.

(*h*) This should be worked out by taking into consideration the difference between the wholesale prices of the articles, such as foodgrains, cloth, etc., which are supplied to workers free or at concessional prices and the actual prices at which they are supplied. The details under each head may kindly be furnished separately. The value of uniforms supplied to workers while on work and cost of amenities provided, such as housing, medical aid, etc., should not, however, be included.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer
and Secretary to Government,
Law Department.

No. C. 1 237—Co 23-49-96, dated Bangalore, the 19th November 1951.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely:—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Imperial Chemical Industries (India) Ltd., Eli Lilly and Company of India, Inc., Lederle Laboratories (India) Ltd., Bombay, Boots Pure Drug Co., (India) Ltd., Bombay, the Crooks Laboratories Ltd., Volkart Bros., Bombay, Glaxo Laboratories, Messrs. Merck & Co., Inc., U.S.A. and Parke Davis and Company, Limited for the prices specified in Col. 2 of the said schedule, the prices specified in column 2 herehunder shall be substituted.

IMPERIAL CHEMICAL INDUSTRIES (INDIA) LTD.

		Rs.	a.	p.
Sulphanilamide Tablets 0·5 Gm. Containers of 1,000 „	...	17	8	0
Sulphaguanidine, Tablets 0·5 Gm. Containers of 500 „	...	18	12	0

ELI LILLY AND COMPANY OF INDIA, INC.

Dihydrostreptomycin Sulfate, 20 cc. rubber stoppered ampoules per—ampoule.	...	4	8	0

LEDERLE LABORATORIES (INDIA) LTD., BOMBAY.

Vitamin B Complex Parenteral Each cc. contains: 5 U.S.P. units liver extract (c)—5 cc	...	8	0	0

BOOTS PURE DRUG CO., (INDIA) LTD., BOMBAY.

Penicillin Crystalline G Vials containing 200,000 I.U.	...	1	2	0

CROOKES LABORATORIES, LTD.

VITAMIN—A

Capsules 25's	...	...	6	0	0
100's	...	...	21	4	0
Ampoules 1 cc (6)	...	...	7	4	0

VITAMIN—B1

		Rs.	a.	p.
Tablets 3 mgm. 25's ...	...	1	12	0
100's ...	...	4	8	0
„ 10 mgm. 25's ...	...	2	12	0
100's ...	...	7	8	0
Ampoules 25 mgm 1 cc. (6)	...	7	0	0

VITAMIN—B2

Tablets 3 mgm. 25's	...	2	4	0

VITAMIN—B6

Tablets 10 mgm. 25's	...	6	0	0
Ampoules 50 mgm. 1 cc. (6)	...	12	0	0

VITAMIN—C

Tablets 50 mgm. 50's	...	2	12	0
100's	...	4	8	0
„ 200 mgm. 25's	...	4	0	0
100's	...	13	4	0
Ampoules 100 mgm. 1 cc. (6)	...	4	8	0

VITAMIN—E (W.G. OIL)

Capsules 25's ...	...	2	8	0
100's ...	...	8	4	0

NICOTINIC ACID

Tablets 50 mgm. 100's	...	3	0	0
Ampoules 50 mgm. 2 cc. (6)	...	3	12	0

NICOTINAMIDE

Tablets 50 mgm 25's	...	2	0	0
100's	...	5	4	0

VITAMIN—K

Tablets 10 mgm. 25's	...	1	12	0
100's	...	5	4	0
Ampoules 5 mgm. 1 cc. (6)	...	2	12	0

VOLKART BROTHERS, BOMBAY.

Roche Specialities

Benerva 'Roche' Vitamin B1, aneurine, thiamine Forte Tablets 50 mg.—Bottle of 20	...	5	2	0
Do 100	...	22	9	0
Injection solution 100 mg, per cc. Bottles of 5·3 cc		4	11	0
Redoxon 'Roche' Vitamin C, 1—ascorbic acid Tablets :— 50 mg. Tubes of 20.		1	12	0
Do Bottles of 100	...	7	6	0
Do do 250	...	17	10	0

			Rs.	a.	p.
Forte Tablets 200 mg. Tubes of 20		...	5	9	0
Do Bottles of 100		...	24	6	0
Tablets 500 mg. bottle of 20		...	7	3	0
Forte Ampoules 100 mg. Boxes of	6		5	14	0
Do do	50	...	43	13	0
Do 500 mg. do	3	...	5	2	0
Do do	25	...	33	10	0
Do 1,000 mg.	3	...	7	1	0
Do do	25	...	53	14	0

GLAXO LABORATORIES.

Combined Procaine Penicillin with sodium penicillin in oil 10 cc.	...	...	19	10	0
Ostomalt (Vitamins with malt)					
Jars ½ lb.	...	...	4	0	0
Jars 1 lb.	...	...	6	10	0
Penicillin Crystalline—					
Phials of 100,000 units		...	0	12	0
Phials 200,000 units		...	1	0	0
Phials 500,000 units		...	1	14	0
Phials 1,000,000 units		...	3	5	0

MESSRS. MERCK & CO., INC., U.S.A.

Dihydrostreptomycin 1 gm. vial		...	4	4	0

PARKE DAVIS AND COMPANY, LIMITED

U.K. Manufacture.

Adrenalin Chloride Solution 0·5 cc. 6's		...	3	1	0
Ferradol 2½ lbs.		...	12	8	0
Haliverol 5 cc.		...	2	14	0
Haliverol Caps 25's		...	2	14	0
100's		...	9	15	0

By Order of His Highness the Maharaja,

No. S.D. 6795 - C. 25-50-56, dated Bangalore, 21st November 1951.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that no dealer in firewood shall sell firewood in retail at a price exceeding the price specified hereunder within the Municipal limits of Mysore City and to direct further with reference to Rule 119 of the said Rules that notice of this order shall be given by publication in the *Mysore Gazette* and issue of a Press Note.—

Firewood split .... 3 maunds per rupee.

Firewood unsplit .... 3½ maunds per rupee.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Food and Agriculture Departments

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, DECEMBER 6, 1951 [No. 48

PART IV

Section I-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No E. 7923—Uni. 65-51-2, dated Bangalore, 28th November 1951.

The Benares Hindu University (Amendment) Act, 1951, (LV of 1951) is hereby republished for general information.

By Order of His Highness the Maharaja,

A. C. NIRVANI GOWDA,
Secretary to Government,
Education Department.

Received Assent on 20th October 1951.

GOVERNMENT OF INDIA.

THE BENARES HINDU UNIVERSITY (AMENDMENT) ACT, 1951.

(LV OF 1951.)

AN

ACT

further to amend the Benares Hindu University Act, 1915.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(*1*) This Act may be called the Benares Hindu University (Amendment) Act, 1951.

(2) Sections 15 and 16 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different provisions.

2. Substitution of certain expressions for certain other expressions in Act XVI of 1915.—In the Benares Hindu University Act, 1915 (hereinafter referred to as the principal Act), whenever an expression mentioned in column 1 of the Table hereunder occurs then, unless otherwise expressly provided in this Act, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table.

TABLE.

1	2
Benares	Benares
Council	Executive Council
Regulations	Ordinances
Senate	Academic Council

3. Substitution of new sections for sections 4, 5 and 6 in Act XVI of 1915.—For sections 4, 5 and 6 of the principal Act, the following sections shall be substituted, namely :—

"4. *University open to all classes, castes and creeds.*—The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or to exercise any privilege thereof, except in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction :

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it.

4-A. *Powers of the University.*—The University shall have the following powers, namely :—

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge ;

(2) to promote Oriental studies, and in particular Vedic, Hindu, Buddhist and Jain studies, and to give instruction in Hindu religion and to impart moral and physical training ;

(3) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons who—

(a) shall have pursued a course of study in the University or in an institution maintained under sub section (1) of section 15 or admitted to the privileges of the University under sub-section (2) of that section, or

(b) are teachers in educational institutions, under conditions laid down in the Statutes and the Ordinances, and shall have passed the examinations of the University under like conditions, or

(c) being women, shall have pursued a course of private study and shall have passed the examinations of the University under conditions laid down in the Ordinances;

(4) to confer honorary degrees or other distinctions in the manner laid down in the Statutes;

(5) to grant such diplomas to, and to provide such lectures and instruction for, persons not being members of the University as the University may determine;

(6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(7) to institute professorships, readerships, lecturerships and other teaching posts required by the University and to appoint persons to such professorships, readerships, lecturerships and other posts;

(8) to institute and award fellowships (including travelling fellowships), scholarships, studentships, exhibitions and prizes in accordance with the Statutes and the Ordinances;

(9) to institute and maintain Halls and hostels and to recognise places of residence for students of the University;

(10) to demand and receive such fees and other charges as may be prescribed by the Ordinances;

(11) to supervise and control the residence and to regulate the discipline of students of the University, and to make arrangements for promoting their health;

(12) to make special arrangements in respect of the residence discipline, and teaching of women students;

(13) to create administrative, ministerial and other necessary posts and to make appointments thereto; and

(14) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

5. *Visitor.*—(1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or such persons as he may direct, of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(3) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(5) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(6) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions he may think fit and the Executive Council shall be bound to comply with such directions.

(7) Without prejudice to the foregoing provisions of this section the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and if any cause is shown within a reasonable time, shall consider the same.

6. *Chief Rector and Rectors.*—(1) The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

(2) Such persons, as may be appointed in this behalf in accordance with the Statutes, shall be the Rectors of the University."

4. Substitution of section 7 in Act XVI of 1915.—For section 7 of the principal Act, the following section shall be substituted, namely :—

"7. *Officers and authorities of the University.*—The following shall be the officers and authorities of the University ;—

OFFICERS OF THE UNIVERSITY.

(i) The Chancellor,

(ii) The Pro-Chancellor,

Provided that until one of the two Pro-Chancellors holding office at the commencement of the Benares Hindu University (Amendment) Act, 1951, ceases to hold office, there shall be two Pro-Chancellors,

(iii) The Vice-Chancellor,

(iv) The Pro-Vice-Chancellor,

(v) The Treasurer,

(vi) The Registrar,

(vii) The Deans of the Faculties, and

(viii) Such other persons in the service of the University as may be declared by the Statutes to be the officers of the University.

AUTHORITIES OF THE UNIVERSITY.

(i) The Court,

(ii) The Executive Council,

(iii) The Academic Council,

(iv) The Standing Committee of the Academic Council,

(v) The Finance Committee,

(vi) The Faculties, and

(vii) Such other authorities as may be declared by the Statutes to be authorities of the University."

5. Amendment of section 9, Act XVI of 1915.—In section 9 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) the words "in administrative matters," shall be omitted ;

(*ii*) for the words and brackets "the Senate (save when the Senate has acted in accordance with powers conferred on it under this Act, the Statutes or the Regulations)" the words and brackets "the Executive Council, the Academic Council and the Standing Committee of the Academic Council (save when these authorities have acted in accordance with powers conferred on them under this Act, the Statutes or the Ordinances)" shall be substituted ;

(*b*) sub-section (*2*) shall be omitted.

6. Amendment of section 10, Act XVI of 1915.—For sub-section (*1*) of section 10 of the principal Act, the following sub-section shall be substituted, namely :—

"(*1*) The Executive Council shall be the executive body of the University."

7. Amendment of section 11, Act XVI of 1915.—In section 11 of the principal Act—

(*a*) in sub-section (*1*) the word "entire" shall be omitted ;

(*b*) sub-section (*2*) shall be omitted.

8. Amendment of section 12, Act XVI of 1915.—For Section 12 of the principal Act, the following section shall be substituted, namely :—

"12. *The Standing Committee of the Academic Council.*—There shall be a Standing Committee of the Academic Council which shall exercise such powers and perform such duties as may be vested in it by the Statutes."

9. Amendment of section 13, Act XVI of 1915.—For sub-section (*1*) of section 13 of the principal Act, the following sub-section shall be substituted, namely :—

"(*1*) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India."

10. Amendment of section 14, Act XVI of 1915.—In section 14 of the principal Act, for the words "the States" the word "India" shall be substituted.

11. Amendment of section 15, Act XVI of 1915.—In section 15 of the principal Act,—

(*a*) in sub-section (*1*), for the words "institutions in Benares" the words "institutions including High Schools, within a radius of fifteen miles from the main temple of the University" shall be substituted ;

(*b*) in sub-section (*2*), for the words "institutions in Benares" the words "institutions including High Schools, within aforementioned limits" shall be substituted.

12. Amendment of section 16A, Act XVI of 1915.—In section 16A of the principal Act, after the word "fund" the words "or provide such insurance scheme" shall be inserted.

13. Amendment of section 17, Act XVI of 1915.—In section 17 of the principal Act.—

(*i*) for sub-section (*1*), the following sub-section shall be substituted namely :—

"(*1*) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(*a*) the constitution, powers and duties of the Court, the Executive Council the Academic Council, the Standing Committee of the Academic Council, the Finance Committee and such other bodies, as may be deemed necessary to constitute from time to time ;

(*b*) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members, and all other matters relative to those bodies for which it may be necessary or desirable to provide ;

(*c*) the appointment, powers and duties of the officers of the University ;

(*d*) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University ;

(*e*) the conferment of honorary degrees ;

(*f*) the withdrawal of degrees, diplomas, certificates and other academic distinctions ;

(*g*) the establishment and abolition of Faculties, Departments, Halls, Colleges and Institutions ;

(*h*) the conditions under which colleges and other institutions may be admitted to the privileges of the University and the withdrawal of such privileges ;

(*i*) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes ; and

(*j*) all other matters which by this Act are to be or may be provided by the Statutes." ;

(*ii*) for sub-sections (*3*), (*4*) and (*5*), the following sub-sections shall be substituted, namely :—

"(*3*) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter in this section provided.

(*4*) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting.

(*5*) The Court may approve any such draft as is referred to in sub-section (*4*) and pass the Statute or reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest :

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Court.

(6) Any member of the Court may propose to the Court the draft of any Statute and the Court may either reject the proposal or refer such draft for consideration to the Executive Council, which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

(7) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration."

14. Substitution of new sections for sections 18 and 19 in Act XVI of 1915.—For sections 18 and 19 of the principal Act, the following sections shall be substituted, namely :—

"18. *Ordinances.*—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such ;

(b) the course of study to be laid down for all degrees, diplomas and certificates of the University ;

(c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining the same ;

(d) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University

(e) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies examiners and moderators ;

(g) the maintenance of discipline among the students of the University ;

(h) the conditions of residence of students at the University ;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study ;

(j) the giving of religious instruction ;

(k) the emoluments and the terms and conditions of service of teachers of the University ;

(l) the management of Colleges and other institutions founded or maintained under sub-section (1) of section 15 ;

(m) the supervision and inspection of Colleges and other institutions admitted to privileges of the University under sub-section (2) of section 15; and

(n) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

(2) The Regulations of the University as in force immediately before the commencement of the Benares Hindu University (Amendment) Act, 1951, shall be deemed to be the first Ordinances made under this section.

(3) The said Ordinances may be amended, repealed or added to at any time by the Executive Council:

Provided that—

(i) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council;

(ii) no ordinance shall be made—

(a) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations, or

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study,

unless a draft of such ordinance has been proposed by the Academic Council.

(4) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (3) but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval it shall have effect from such date as may be specified in the order:

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any ordinance made by the Executive Council, and such Ordinance shall from the date of such resolution cease to have effect.

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(8) The Visitor may, at any time after an Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall cease to have effect.

19. *Power to make Regulations.*—(1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

(a) laying down the procedure to be observed at their meetings and the number of members required to from a quorom;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations; and

(c) providing for all matters solely concerning such authorities or committees appointed by them and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any such Regulation:

Provided that any authority of the University which is dissatisfied with any such direction may appeal to the Court, whose decision in the matter shall be final.

19A. *Conditions of service of officers and teachers.*—(1) Every salaried officer and teacher of the University shall be appointed under a written contract which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final."

15. Temporary provision for amendment of Statutes.—The Central Government may, by notification in the Official Gazette, make such adaptations and modifications in the Statutes in force immediately before the commencement of this Act as in its opinion may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of the principal Act as amended by this Act.

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification of any such Statutes after the expiration of three months from the commencement of this Act:

16. Transitional provisions.—Any officer or authority of the University exercising any functions under the principal Act, immediately before the commencement of this Act, shall continue to exercise such functions until the corresponding new officer or authority is appointed, elected or constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as adapted or modified under this Act.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L D. 1327—Legis. 5-51-47, dated Bangalore, 4th October 1951.

Ordered that Notification No. S.R.O. 1365, dated the 30th August 1951, of the Ministry of Communication amending the Indian Wireless Telegraphy (Possession) Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATION.

POSTS AND TELEGRAPHS

New Delhi, the 25th August 1951.

S. R. O. 1365.—In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933, the Central Government hereby directs that the following further amendments shall be made in the Indian Wireless Telegraphy (Possession) Rules, 1933, namely:—

In the said rules—

(1) In sub-rule (*ii*) of Rule 1, the words "except the State of Hyderabad" shall be omitted;

(2) in rule 2, clause (*e*) shall be omitted;

(3) in rule 6, the words and figures "save as provided in rule 18" shall be omitted;

(4) for rule 18 the following rule shall be substituted, namely:—

"18. Notwithstanding anything contained in these rules, if a person possesses any wirless receiving apparatus without the requisite license or continues to possess any such apparatus without obtaining a fresh licence on renewal within the period and subject to the conditions specified in rule 19, he shall be liable to pay on the demand of any Inspector duly appointed by the Licensing Authority in this behalf, a surcharge of Rs. 15/- in addition to the fee for the necessary licence required, provided that such surcharge shall be Rs. 50 in the case of a Commercial Boardcast Receiver' Rs. 10/- in the case of a Community Receiver, and Rs. 3 in the case of Crystal set or a Broadcast Receiver for schools or for the institutions of the blind.

An official receipt for the full amount shall be given by the Inspector and a licence shall be subsequently issued commencing from the date the apparatus was kept in possession without a licence.

(5) After rule 18 the following rule shall be added, namely:—

"19. A licence for a wireless receiving apparatus may, if not renewed before the date of the expiry of the licence, be renewed within 14 days after such expiry: Provided that such licence may be renewed after the expiry of the said period of 14 days but not later than three months from the expiry of the said period on payment of the amount of surcharge, in addition to the ordinary licence fee, specified in column 2 of the table hereunder printed in respect of the type of licence mentioned in the corresponding entry in column 1 of the said table.

TABLE.

Type of licence.	Amount of surcharge.	
	If renewed within one month after the period of 14 days from the expiry of the licence.	If renewed after one month but within three months from the period of 14 days after the expiry of the licence.
1	2	
	Rs.	Rs.
1 (a) Broadcast Receiver licence ...	5	10
(b) Possession Licence ...	1	2
(c) Demonstration Licence ...	3	5
2 Broadcast Receiver Licence for schools, institutions of the blind and Crystal sets.	1	2
3 Community Broadcast Receiver licence ...	5	10
4 Commercial Broadcast Receiver licence ...	10	20

1. These amendments shall come into force on the 1st day of September, 1951.

[T-2/W17-15/1.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L. D. 1329—Legis. 5-51-49, dated Bangalore, 4th October 1951.

Ordered that Notification No. S.R.O. 1363, dated the 25th August 1951, of the Ministry of Communications amending the Indian Telegraph Rules, 1932, published in the *Gazette of India*, Part II, Section 3, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS

New Delhi, the 25th August 1951.

S.R.O. 1363.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885, (XIII of 1885), the Central Government herebey directs that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely:—

After rule 451 of the said Rules, the following rule shall be inserted namely:—

"451-A.—*Transfer fee.*—A transfer fee of Rs. 10 shall be charged for every telephone transferred from one subscriber to another when such transfer involves a change in the hiring contract but does not involve the shift of the Telephone; an additional fee of Rs. 5 shall be charged for (1) a plug point or (2) an extra bell.

Provided that in the case of Departmental Exchange connections paid for on an annual basis, connections paid for under the *OWN YOUR TELEPHONE SCHEME*, and casual telephone connections no transfer fee shall be levied."

[No. PHA-13-59/51.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L.D. 1330—Legis. 5-51-50, dated Bangalore, 4th October 1951.

Ordered that Notification No. S.R.O. 1359, dated the 9th August 1951 of the Ministry of Rehabilitation amending the Permit System Rules, 1949 published in the *Gazette of India*, Part II, Section 3, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION

New Delhi, the 9th August 1951.

No. S.R.O. 1359.—In exercise of the powers conferred by Section 4 of the Influx from Pakistan (Contol) Act, 1949, (XXIII of 1949), the Central Government hereby directs that the following amendment shall be made in the Permit System Rules, 1949, namely:—

In the said Rules,—

(1) To rule 9 the following note shall be added, namely :—

"*Note.*—This rule will not apply in the case of guides who come to the Punjab on temporary permits for recovery of abducted persons. These guides will report their arrival and departure to, and obtain permision for visiting places other than the one specified in their temporary permit, from the Superintendent of Police (Recovery) Punjab."

(2) For the existing explanation to rule 20 the following shall be substituted namely:—

"*Explanation*—In relation to guides who come to the Punjab for recovery of abducted persons, the expression "Superintendent of Police" means the "Superintendent of Police (Recovery) Punjab."

(3) The following explanation shall be added to rule 26, namely :—

"*Explanation.*—In relation to guides who come to the Punjab for recovery of abducted persons, the expression "Superintendent of Police" means the "Superintendent of Police(Recovery) Punjab."

[No. III-MPT(X-1)/51(12.)]

V. D. DANTYAGI, Joint Secy.

NOTIFICATION.

No. L.D. 1331—Legis. 5-51-51, dated Bangalore, 4th October 1951.

Ordered that Notification No. S.R.O. 1355 dated 28th August 1951, of the Ministry of Works, Production and Supply amending the Indian Explosives Rules, 1940 published in the *Gazette of India*, Part II, Section 3, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF WORKS, PRODUCTION & SUPPLY

New Delhi, the 28th August 1951.

S.R.O. 1355.—In exercise of the powers conferred by Sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940 the same having been previously published, as required by section 18 of the said Act namely:—

In sub-rule (2) of rule 85 of the said Rules for the second proviso the following provision shall be substituted, namely :—

"Provided further that in the case of a merged territory every licence in force on the 7th May, 1951, and in the case of a Part B State every licence in force on the 30th June 1951, other than a licence for the import of explosives, shall continue to remain in force until the 31st March 1952."

[No. M-128(9)/51.]

A. K. SEN, Under Secy.

NOTIFICATION

No. L.D. 1478—Legis. 6-51-33, dated Bangalore, 30th October 1951.

Ordered that Notification No. S.R.O. 1461, dated the 15th September 1951 of the Ministry of Transport under the Marking of Heavy Packages Act, 1951, appointing the 1st day of November, 1951, as the date on which the said Act shall come into force published in the *Gazette of India*, Part II, Section 3, dated the 22nd September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF TRANSPORT

New Delhi, the 15th September 1951.

S.R.O.—1461.—In pursuance of sub-section (3) of section 1 of the Marking of Heavy Packages Act, 1951 (XXXIX of 1951), the Central Government hereby appoints the 1st day of November 1951 as the date on which the said Act shall come into force.

[No. 81-M.A.(1)/48.]

H.C. SARIN, *Dy. Secy.*

NOTIFICATION.

No. L D. 1480—Legis. 5-51-61, dated Bangalore, 30th October 1951.

Ordered that Notification No. S.R.O. 1456, dated 28th August 1951 of the Ministry of Rehabilitation amending the Permit System Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 22nd September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LABOUR

New Delhi, the 11th September 1951.

S.R.O. 1465.—In exercise of the powers conferred by sections 6 and 15 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government hereby directs that the following amendment shall be made in the Mines Maternity Benefit Rules, 1943, the same having been previously published as required by sub-section (1) of section 15 of the said Act, namely :—

For sub-rule (2) of rule 1 of the said Rules, the following sub-rule shall be substituted, namely :—

"(2) They extend to the whole of India except the State of Jammu and Kashmir".

[No. M. 41(21)51/I]

P. N. SHARMA, *Under Secy.*

NOTIFICATION.

No. L.S. 3350–L.W. 192-51-2, dated Bangalore, 28th November 1951.

Whereas under Section 33-A of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), a complaint was made by Sri Siddalingappa, C.Wvg. J. 89 and others, Bangalore, to the Industrial Tribunal, Bangalore, that the Management of the Bangalore Woollen, Cotton and Silk Mills Company, Ltd., Bangalore, has, during the pendency of proceedings before the said Tribunal, contravened the provisions of Section 33 of the said Act;

And whereas the award of the said Tribunal in respect of the said complaint has been received;

Now, therefore, in exercise of the powers conferred by Section 17 of the said Act, His Highness the Maharaja of Mysore hereby directs that the said award, noted below, be published in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF MYSORE.

READ—

The following papers:

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Monday, the 5th day of November 1951.

PRESENT:

Rajadharmaprasakta Mr. A. R. Nagesvara Iyer, B.A., B.L., *Chairman.*

Rajadharmaprasakta Mr. T. Singaravelu Mudaliar, B.A., B.L., *Member.*

A. C. No. 3 of 1950-51. *Complaint No. III of 1951-52.*

Siddalingappa, C.Wvg., J. 89 and others ... *Complainants.*

Versus

Bangalore Woollen, Cotton and Silk Mills Company, Limited, Bangalore. ... *Respondent.*

Counsel for the Complainants ... Sri G. V. Ramachar (Advocate)

Counsel for the Respondent ... Sri E. S. Venkataramanan (Advocate).

Award.

This is a complaint under Section 33(A) of the Industrial Disputes Act filed on 21st June 1951, complaining that the Respondent had changed a previous practice during the pendency of an Industrial dispute before this Tribunal without obtaining its permission under Section 33 of the Industrial Disputes Act. It is alleged in the petition as follows :—

> "The previous practice related to the procedure adopted by the respondent in terminating the services of the workmen on account of habitual absence. The practice was that the respondent used to give a warning which was termed as "Final", indicating to the workmen concerned that any repetition of absenteeism would entail a discharge from service as contemplated in 9(a)(12) and 9(b)1 of the Standing Orders.
>
> Although the Standing Order empowered the Management to dismiss the workmen, by constant practice, there was an implied understanding between the workmen and the Management that in cases of habitual absence, the rule that was being followed was a final warning for a discharge and not for a dismissal in case of a repetition of absenteeism' The respondent was giving effect to a discharge and not dismissal.
>
> The respondent, during the pendency of the dispute before this Tribunal, has modified the procedure, which was actually governing the workmen in the cases above mentioned, without any express permission from the Tribunal, as contemplated under Section 33 of the Industrial Disputes Act."

It is also alleged—

> "The petitioners submit that this modification of the procedure, without the permission of the Tribunal affects them asmuchas they are deprived of a month's dearness allowance and also wages in lieu of notice. Besides, this modification has the effect of depriving the workmen of the contribution amount made by the Company with regard to their Provident Fund."

In the statement filed by the Management, while denying the main allegations in the complaint, it is stated that "The respondents deny that there was any practice under which workmen guilty of habitual absence could not be dismissed, but could only be discharged by being given one month's notice or one month's wages in lieu of notice." It is also maintained that for habitual absence under the Standing Orders, a workman was liable to be dismissed without notice, that only recently they were not enforcing the said Standing Orders strictly, but were giving a lighter punishment by discharging workmen, who were guilty of habitual absence, with one month's wages, that the respondents found that such non-enforcement encouraged indiscipline and frequent absences among workmen, and this, being a matter of discretion, cannot amount to a practice or change in the conditions of service and that the complaint was not maintainable under Section 33(A) of the Act.

Learned Counsel for the workmen filed some documents and no oral evidence was adduced by either side. Elaborate arguments were addressed by Learned Counsel for the workmen, and his main contention was that Section 33 must be taken to have been contravened by the Management on the following grounds :—

1. Notices were being issued to workmen administering a final warning with a threat of discharge for habitual absence. That procedure has now been given up.

2. That for habitual absence, permission was sought for dismissal of the workmen concerned and not for discharge according to the prevalent practice and that this was illegal; and

3. That the workmen concerned were kept out of work or excluded from work pending disposal of the applications above mentioned and that this was also illegal.

Learned Counsel invited our attention to the Standing Orders relating to absence of workmen without leave and they are the following:—

Standing Order 5(i) refers to a workman remaining absent in excess of the leave period granted and it provides that unless he has previously obtained the written permission for the extension of his leave period or explain to the satisfaction of the Manager the reason for his absence, he would be considered to be absent from duty under Standing Order 5(ii) or Standing Order 5(iii) and be dealt with accordingly. Standing Order 5(ii) provides 'that an employee who shall absent himself for eight consecutive working days in any one month without such leave or without having sent a satisfactory explanation may be dismissed without notice.'

Our attention was also invited to Standing Order 9(a)(6) which refers to absence without leave for eight working days in any one month, unless it is afterwards proved that such absence was unavoidable, and to Standing Order 9(a)(12) which refers to habitual absence. Such absence under Standing Order 9(a)(6) and 9(a)(12) amounts to misconduct for which a workman is liable to be dismissed without notice. Standing Order 9(b), however, provides that for absence without leave without sufficient cause "employees may be fined or suspended without pay or reduced, but the offence if repeated or in any gross case, may be treated as misconduct under Standing Order 9(a)" and it also says "Fines or suspension or reduction may be imposed for the following offence or at the discretion of the Manager for acts of misconduct specified in sub-section (a) of this rule as an alternative to dismissal." In effect, according to Standing Order 9(b) the Manager in his discretion may, for the offences of misconduct under sub-clause (a), instead of inflicting the more severe punishment of summary dismissal without notice, inflict a lighter punishment, *i.e.*, fine, or suspension or reduction, but not discharge. Standing Order 8(ii) may also be mentioned in this connection. That says "The Manager, on behalf of the Company, shall give one month's previous notice to any permanent employee whose service he may think fit to dispense with or in default of such notice shall pay to such employee one month's wages in lieu of notice."

Learned Counsel for the workmen relied on the following documents in support of his contentions—Exhibits 1 to 9 in which final warnings were administered under threat of discharge for a repetition of the offence; Exhibits 10 to 25, in which final warnings were given under threat of dismissal; and Exhibit 26 in which for habitual absence a workman was given a notice of discharge with a month's wages under Standing Orders 9(a)(12) and 9(b)(1). Other Exhibits such as Exhibit XXVIII were also referred to.

Learned Counsel also says that according to the Standing Orders a charge-sheet had to be given to the workmen before taking any action for misconduct such as habitual absence, that that practice was not followed in connection with the eight applications that had been filed prior to this complaint and that there the conditions of terms of service had been altered contravening Section 33 sub-clause (a) of the Act. It was also argued that even apart from the Standing Orders the practice was to serve a charge-sheet and that by violating that practice, the provisions of Section 33(a) had been similarly contravened. Learned Counsel was not able to refer to any such standing order on the subject and for this purpose Exhibit 42 was relied upon. That was a letter written in 1949 to the Labour Association suggesting

the incorporation of some standing orders in accordance with the suggestions made by the Labour Commissioner, and inviting views of the Labour Association on those matters. There is nothing to show that the Labour Association agreed to the alterations suggested or that the standing orders as proposed were actually adopted, as contended for on behalf of the workmen. The circumstance that Exhibit 42 was addressed to the Labour Association is no proof that Standing Orders were framed as suggested therein. In proof of the practice relied upon by learned Counsel the earliest document to which he was able to refer was the charge-sheet given to a workman as late as the 8th of June 1951 and he argues that from the circumstance that on and from that date the Management presented charge-sheets to workmen, a presumption arises that the old practice was revived and that, as no such charge-sheet had been served on the workmen involved in the eight petitions filed prior to this complaint (Serial Numbers 18, 29, 30, 48, 49, 65, 66 and 88 of 51-52), the Management had acted in contravention of Section 33, clause (a).

There is no provision in the Standing Orders for serving a charge-sheet on the erring workmen. No doubt in some cases charge-sheets were served on the defaulting workmen and they were given an opportunity to explain their conduct. It has been explained that that course was adopted in very serious cases and was not the usual practice adopted by the Management. Exhibit 58 in the main case was strongly relied upon by Mr. Ramachar in this connection. That was a charge-sheet presented to a workman on 24th April 1949 and a perusal of the document shows that that contains serious accusations of insubordination which had been repeated. Exhibit 31 relates to a case of a workman, who interfered with the administration of the department inciting others to indulge in wilful disobedience of a lawful order of a superior, and even after due warnings the workman resorted to insolence of officers. In one or two other cases charge-sheets were served on some workmen but they are of very recent dates—one of the 8th of June and the other 15th of June 1951. It was also argued that since charge-sheets are being now served on the workmen it must be inferred that the practice which had been given up was resumed. This seems to be far-fetched. On the whole there are no grounds for holding that the practice of serving charge-sheets on erring workmen in every case existed and that it had now been discontinued. This contention must therefore be rejected.

The main contention for the workmen however is that for habitual absence, warnings should be administered including a final warning and that absence from work after such warning would entail a discharge with one month's notice or with payment of one month's wage in lieu of notice. It is urged that subsequent to the reference of the disputes to this Tribunal, the Management were seeking to dismiss workmen ignoring the practice that is said to have been prevalent until recently and thereby the conditions of service applicable to the workmen immediately before the commencement of the proceedings had been altered to their prejudice and that thereby the Management had contravened Section 33, Clause (a) of the Industrial Disputes Act. In support of this contention, the evidence of Mr. Perkin, the then Manager of the Mills was mainly relied upon. He has, no doubt, stated that for habitual absence final warnings were being administered and for repetition of the offence workmen used to be discharged. That is supported by some exhibits filed on behalf of workmen. But in some cases, for example, Serial Numbers 59, 136, 149, 164, 186, 187 and 216 of 1950-51, permission was sought for the dismissal of the workmen for habitual absence and such permission was granted by this Tribunal. The various sections to which reference has been made are clear that the question of punishment is a matter within the discretion of the Manager. If in lieu of a more severe punishment by way of dismissal, a workman was either fined or suspended or discharged, that cannot be taken to be a practice modifying the Standing Orders on

the subject. That cannot also be taken to establish a practice having the effect of altering the Standing Orders, as the nature of the punishment to be meted out is left to the discretion of the Manager. It has been explained that the leniency shown to the workmen resulted in indiscipline leading to inefficient work and that in the interests of discipline it was found necessary to seek permission for dismissal of workmen found guilty of misconduct. According to Standing Orders punishment which could be inflicted by the Manager in respect of various offences has been laid down and the standing orders are binding on both sides. It is within the competency of the Manager to use his discretion and mete out the punishment which each case might deserve. The contention that conditions of service have thereby been altered and that Section 33, Clause (a), has been infringed by the Manager must fall to the ground.

It was contended that Section 92 of the Evidence Act was a bar to the production of evidence to contradict the standing orders, while for the workmen, Section 12 of the Standing Orders Act was relied upon for the position that it was only oral evidence that is so excluded and not documentary evidence and Section 12 being a special provision relating to the standing orders between the employers and the employees, that governs the case and not Section 92 of the Evidence Act. It was also argued that since these workmen have not yet been dismissed it could not be contended that Section 33 had been infringed and therefore the application is premature. Since we are of opinion that Section 33, Clause (a), has not been infringed, it is unnecessary to consider these questions.

In the result our award is that the case put forward by the workmen in their petition has not been established.

A. R. NAGESHVARA IYER,
Chairman.

T. SINGARAVELU MUDALIAR,
Member.

NOTIFICATION.

No. L.D. 1677—Legis. 5-51-75, dated Bangalore, 1st December 1951.

Ordered that Notification No. S.R.O. 1702, dated the 23rd November 1951, of the Ministry of Labour, amending the Industrial Disputes (Central) Rules, 1947, published in the *Gazette of India*, Part II, Section 3, dated the 3rd November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 3rd November 1951.

S.R.O. 1702.—In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947, (XIV of 1947), the Central Government hereby directs that the following further amendments shall be made to the Industrial Disputes (Central) Rules, 1947, the same having been previously published as required by sub-section (1) of the said section, namely :—

Amendments.

After Rule 5 of the said Rules, the following rule shall be inserted, namely :—

"5A. *Qualifications of Members of Industrial Tribunals.*—Where an Industrial Tribunal consists of two or more members every such member (other than the Chairman) shall be a person who—

(1) is qualified for appointment as the Chairman of the Tribunal under sub-section (3) of section 7 of the said Act ; or

(2) is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949, (XXXVIII of 1949) ; or

(3) has been a presiding officer for not less than three years of any court or tribunal set up under any law providing for the settlement or adjudication of industrial disputes ; or

(4) in the opinion of the Central Government

(a) has had experience of problems relating to labour or industry for not less than five years ; or

(b) has special knowledge of economics, finance, banking or insurance."

[No. LR 1(187)].

K. N. SUBRAMANIAN, *Joint Secretary.*

Printed by the Director of Printing, Stationery and Publications

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 9322—Ml. 44-51-7, dated Bangalore, the 27th November 1951.

Whereas the term of office of the Councillors of the Turuvanur Town Municipal Council is due to expire on the 29th day of February 1952;

And whereas it is necessary to reconstitute the said Town Municipal Council in accordance with the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951);

Now, therefore, in exercise of the powers conferred by Section 17 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to extend the term of office of the Councillors of the said Town Municipal Council from the first day of March 1952 up to and inclusive of the 31st day of March 1952.

By Order of His Highness the Maharaja.

No. 9325—Ml. 44-51-8, dated Bangalore, the 27th November 1951.

Whereas the terms of offices of the Councillors of the Five Town Municipal Councils noted below, which were extended in Notification No. L. 6819—Ml. 44-51-5, dated 29th September 1951, are due to expire on the 31st Day of December 1951:—

1. Chitaldrug.
2. Krishnarajanagar.
3. Shiralakoppa.
4. Mayakonda.
5. Hosadurga.

And whereas it is necessary to reconstitute the said Town Municipal Councils in accordance with the provisions of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951);

Now, therefore, in exercise of the powers conferred by Section 17 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to extend the terms of offices of the Councillors of the said Town Municipal Councils from the first day of January 1952 up to and inclusive of the 31st day of March 1952.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fl. 5184—S.T. 39-51-3, dated Bangalore, the 29th November 1951.

In exercise of the powers conferred by Section 6 of the Mysore Sales Tax Act, 1948 (Mysore Act XLVI of 1948), His Highness the Maharaja of Mysore is pleased to exempt from the Tax payable under the said Act—

(1) by Aided graineurs in regard to that part of their turn-over relating to sales of silk worm eggs, and

(2) by Cocoon rearers, in regard to that part of their turn-over relating to sales of silk worm cocoons.

This notification shall be deemed to have come into force on the 1st day of April 1951.

By Order of His Highness the Maharaja.

No. Fl. 5186—S.T. 39-51-2, dated Bangalore, the 29th November 1951.

The following draft amendment to the Mysore Sales Tax Rules, 1948, which it is proposed to make in exercise of the powers conferred by Section 25 of the Mysore Sales

Tax Act, 1948 (Mysore Act XLVI of 1948), is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (4) of the said section and notice is hereby given that the draft will be taken into consideration on, or after the *20th day of January 1952.* Objections or suggestions, if any, with respect to the draft may be sent to the Secretary to the Government of Mysore, Finance Department, Old Public Offices, Post Bag No. 5, Bangalore 1, so as to reach him before the said date.

Draft Amendment.

In the Mysore Sales Tax Rules, 1948, to item (i) of clause (*a*) of sub-rule (5) of Rule 6, the following proviso shall be added, namely :—

"Provided that the fees payable by Charka Silk Reelers, for dealing in silk yarn reeled by them shall be as follows :—

	Rs.	a.	p.
If the turn-over is Rs. 10,000 and above but does not exceed Rs. 20,000 per annum ...	12	8	0
If the turn-over exceeds Rs. 20,000 but does not exceed Rs. 50,000 per annum ...	25	0	0
If the turn-over exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 per annum ...	50	0	0
and for every additional turn-over of Rs. 1,00,000 or a part thereof ...	50	0	0.

This amendment shall be deemed to have come into force on the 1st day of April 1951.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. W. 838, dated Bangalore, 26th November 1951.

In exercise of the powers conferred by Section 28 of the Mysore House Rent and Accommodation Control Act, 1951, (Mysore Act XXX of 1951), His Highness the Maharaja of Mysore is pleased to direct that after item 3

of the Second Schedule to the said Act, the following item shall be added, namely :—

"4. The Towns of Sagar and Bhadravati (old)."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. L.S. 3346—L.W. 213-51-2, dated Bangalore, 28th November 1951.

In exercise of the powers conferred by sub-section 3 of Section 1 of the Mysore Shops and Establishments Act, 1948, (Mysore Act No. II of 1948), His Highness the Maharaja of Mysore is pleased to direct that all the provisions of the said Act shall come into force in Kolar Town with effect from 1st January 1952.

By Order of His Highness the Maharaja.

No. L.S. 3348—L.W. 213-51-23, dated Bangalore, 28th November 1951.

In exercise of the powers conferred by Section 42 of the Mysore Shops and Establishments Act, 1948, (Mysore Act II of 1948), His Highness the Maharaja of Mysore is pleased to appoint the Assistant Commissioner of Labour, Kolar Gold Fields, to be *ex-officio* Inspector for the purposes of the said Act within the local limits of Kolar Town.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. S.R. 5952—St. 12-51-2, dated Bangalore, the 27th November 1951.

In exercise of the powers conferred by Section 75 of the Mysore Stamp Act, 1900 (Mysore Act II of 1900), His Highness the Maharaja of Mysore is pleased to direct

that the following further amendment shall be made in the Rules framed under the said Act, *viz.*,—

For sub-rule (2) of Rule 9 of the said Rules, the following sub-rule shall be substituted :—

"(2). The value of labels referred to in Rule 8 shall be credited to—

(*a*) a Government Treasury and the receipt granted therefor attached to every application referred to in sub-rule (1) or

(*b*) the Bank of Mysore, Ltd., Bangalore, or the Imperial Bank of India, Ltd., Bangalore, or Bombay, and a certificate of credit granted by the Accountant-General attached to every application referred to in sub-rule (1)."

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

No. S.D. 6840—C. 32-51-68, dated Bangalore, the 23rd November 1951.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with the Government of India, Ministry of Food Notification No. S.R.O. 703, dated 4th October 1950 as amended by Notification dated 21st July 1951 and with the concurrence of the Central Government, His Highness the Maharaja of Mysore is pleased to make the following order, namely :—

ORDER.

In the proviso to sub-clause (1) of Clause 17 of the Articles of Food Acquisition (Harvest) Order, 1949, for item (3), the following item shall be substituted, namely :—

"(3) of foodgrains under and in accordance with (*a*) Military Credit Notes, or (*b*) a Certificate issued by the appropriate Military Authority to a person in the Armed Forces of the Union on leave."

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Food and Agriculture Departments
(In-charge).

No. L. 9485—Ml. 150-51-5, dated Bangalore, 3rd December 1951.

In exercise of the powers conferred by Sections 13 and 208 (2) (b) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made in the Mysore Town Municipalities Election Rules, 1951, published under Notification No. L. 6715—Ml. 150-51-1, dated the 25th September 1951, namely :—

In the said Rules :—

1. In Rule 9, for the words "of his own motion", the words "on his own motion" shall be substituted.

2. In sub-rule (1) of Rule 17, for the words "deliver personally", the words "deliver the notice of candidature personally" shall be substituted.

3. For clause (*b*) of Rule 34, the following clause shall be substituted, namely :—

"(*b*) the candidate and, where a division has more than one booth at each booth, one agent of each candidate appointed in writing by the candidate and approved by the Returning Officer ;"

4. For Rule 38, the following rule shall be substituted, namely :—

"38. Each polling station or booth, as the case may be, shall contain a separate compartment in which electors can record their votes, screened from observation. As far as possible, separate compartments and separate entrances and exits shall be provided for women electors."

5. In Rule 39, for the words "with he necessary outer covers", the words "with the necessary outer covers" shall be substituted.

6. In Rule 40, for the words "lock the ballot boxes and place a seal upon them," the words "secure and seal the ballot boxes," shall be substituted.

7. In sub-rule (2) of Rule 46, for the full stop occurring at the end of the sub-rule, a comma shall be substituted, and the words "but without indicating the manner in which the votes were cast," shall be added.

8. For clause (i) of Rule 51, the following clauses shall be substituted :—

"(i) each ballot box in use at such station unopened and closed in such a manner as to prevent insertion of any more ballot papers but with the key, if

any,—(which should also be sealed in the same manner as the ballot box) attached;"

9. In sub-rule (1) of Rule 60, for the words "has been duly elected," the words "duly elected" shall be substituted.

10. In Rule 68, for the words "shall be opened to inspection" the words "shall be open to inspection" shall be substituted.

11. In Rule 72, for the words "by the Municipal Council the necessary funds" the words "by the Municipal Council with the necessary funds," shall be substituted.

12. For Forms IV and IV A annexed to the said Rules, the following forms shall be substituted, namely :—

FORM IV (BALLOT PAPER).

(Rule 43).

Town Municipal Council of .....

Serial No. .....

Name and number of Division .....

FORM IV A (COUNTERFOIL).

(Rule 43)

Town Municipal Council of .....

Serial No. .....

Name and number of Division .....

Name or number of polling station .....

Number of elector on the electoral roll .....

Signature or thumb impression of the elector .....

.....

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, DECEMBER 13, 1951 [No. 49

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1678—Legis. 6-51-40, dated Bangalore, 1st December 1951.

Ordered that Notification No. S.R.O. 1684, dated the 10th May 1951 of the Ministry of Communications under the Indian Wireless Telegraphy Act, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 3rd November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 10th May 1951.

S.R.O. 1684.—In exercise of the powers conferred by section 7 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government hereby empowers the officers of the Posts and Telegraphs Department mentioned in the Annexure hereto to search any building, vessels or place in which he has reason to believe that any wireless telegraphy apparatus in respect of which an offence punishable under section 6 of the said Act, is kept or concealed.

ANNEXURE.

Divisional Engineers Telegraphs.—

Divisional Engineer Telegraphs ...	... Ambala
Do do ...	... Jullundur
Do do ...	... New Delhi
Do do ...	... Agra
Do do ...	... Lucknow
Do do ...	... Ajmer
Do do ...	... Nagpur
Do do ...	... Indore
Do do ...	... Jaipur
Do do ...	... Patna
Do do ...	... Ranchi
Do do ...	... Bombay
Do do ...	... Poona
Do do ...	... Ahmedabad
Do do ...	... Rajkot
Do do ...	... Madras
Do do ...	... Visakhapatnam
Do do ...	... Bangalore
Do do ...	... Tiruchirapalli
Do do ...	... Shillong
Do do ...	... Calcutta
Do do ...	... I/C Training Class, Jabalpur
Regional Engineer Maintenance	... Calcutta
Do do ...	... Bombay
Do do ...	... Madras
Do do ...	... New Delhi
Divisional Engineer Telegraphs...	... T. & D. Circle Jabalpur
Assistant Chief Engineers ...	... P. & T. Directorate, New Delhi
Divisional Engineer Telegraphs...	... Kanpur

Divisional Engineer Wireless.—

Divisional Engineer Wireless ...	... P. & T. Directorate, New Delhi
Chief Electrician Wireless Alipore	

Assistant Engineer Wireless.—

Assistant Engineer Wireless ...	... Calcutta
Do do ...	... Bombay
Do do ...	... St. Thomas Mt. Radio, Madras
Do do ...	... Fort Radio, Madras
Do do ...	... Port Blair
Do do ...	... C.E.W's Office, Calcutta
Do do ...	... Training Centre, Jabalpur
Do do ...	... New Delhi
Do do ...	... Gurgaon
Do do ...	... Gauhati
Do do ...	... Monitoring, Calcutta
Do do ...	... Monit ring, Bombay
Do do ...	... P. & T. Directorate, New Delhi

[No. T-2/153/50-Part-II].

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION.

No. L.D. 1679—Legis. 51-76, dated Bangalore, 1st December 1951.

Ordered that Notification No. S.R.O. 1681, dated the 26th October 1951 of the Ministry of Natural Resources and Scientific Research amending the Mineral Concession Rules, 1948, published in the *Gazette of India*, Part II, Section 3, dated the 3rd November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi, the 26th October 1951.

S.R.O. 1681.—In exercise of the powers conferred by Section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In the said Rules—

1. After rule 48, the following rules shall be inserted namely :—

"49. Every person obtaining a prospecting license or a mining lease from a pri ate person, shall, within three months of the grant of such license or execution of such lease, submit to the State Government, in whose jurisdiction the area or areas covered by such concession is or are situated, a certified copy of the license or the lease.

50. Every transferee or assignee of a prospecting license or a mining lease, or of any right, title or interest therein, shall, within one month of such transfer or assignment, inform the State Government within whose jurisdiction the area or areas covered by such concession is or are situated, of the transfer or assignment and of the terms and conditions of such transfer or assignment."

2. The existing rules 49, 50 and 51 shall be re-numbered as 51, 52, and 53, respectively.

3. In rule 53, as re-numbered for the word and the figures "rule 49" the word and the figures "rule 51" shall be substituted, and after the words "or both" the words "and the license or lease so granted shall be void" shall be inserted.

4. After rule 53, as re-numbered, the following new rules shall be added :

"54. Should any licensee or lessee or his transferee or assignee fail to furnish the documents or information or returns as prescribed in rules 49 or 50 or in clause (viii) of sub-rule (1) of rule 41 or refuse entry or inspection by an officer authorised by the Central Government or the State Government under clause (viii), (ix) or (xi) of sub-rule (1) of rule 41, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to Rs. 500 or with both.

55. No court shall take cognizance of any offence punishable under these Rules, unless upon complaint made in writing by an officer empowered by the State Government in this behalf within six months of the date on which the said offence is alleged to have been committed.

56. No court inferior to that of a Presidency Magistrate or a Magistrate of the the first class shall try any offence punishable under these Rules."

5. The existing rules 52, 53, 54, 55, 56, 57, 58, 59 and 60 shall be renumbered as 57, 58, 59, 60, 61, 62, 63, 64 and 65, respectively.

6. In rule 58, as renumbered for the word and the figures "rule 52" the word and the figures "rule 57" shall be substituted.

7. In rule 60, as renumbered, for the word and figures "rule 54" the word and the figures "rule 59" shall be substituted.

[No. M. II-159 (11).]

T. GONSALVES, *Dy. Secy.*

NOTIFICATION.

No. L.S. 3512-L.W. 229-51-4, dated Bangalore, 8th December 1951.

Whereas industrial disputes exist or are apprehended between the employers in relation to the Hotels and Restaurants in Mysore City, specified in Schedule I below and the workmen employed by them, in respect of matters specified in Schedule II below;

And whereas in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said disputes for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said disputes be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L. S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE I.

1. Sri Krishna Bhavan, Market Square, Mysore
2. Bombay Indra Bhavan, Sayyaji Rao Road, Mysore
3. Chamundeswari Bhavan, Sivarampet, Mysore
4. Modern Cafe, "Dasaprakash", Gandhi Square, Mysore
5. Bombay Ananda Bhavan, Sivarampet, Mysore
6. Ramakrishna Bhavan, Asoka Road, Mysore
7. Ramachandra Bhavan, Jagan Mohan Palace Road, Mysore
8. Vidyarthi Bhavan, Jagan Mohan Palace Road, Mysore
9. Udupi Ananda Bhavan, Asoka Road, Mysore
10. Nehru Lunch Home, Market Square, Agrahar, Mysore
11. Prakash Bhavan, Near Prabhudev Talkies, Mysore
12. Bus Terminus Restaurant, Bus Stand, Mysore
13. Cosmopolitan Club, Jubilee Road, Mysore
14. Welcome Hotel, Gandhi Square, Mysore
15. Garden Hotel, Old Post Office Road, Mysore
16. Ramachandra Vilas, 100 Feet Road, Mysore
17. Mani's Cafe, Prabhudev Talkies, Mysore
18. University Restaurant, College Compound, Mysore
19. Satyanarayana Prasanna Coffee Club, Deevatige Beedi, Mysore
20. Shankar Lunch Home, Asoka Road, Mysore
21. New Venkatesh Bhavan, Sayyaji Rao Road, Mysore
22. Venkatesh Bhavan, Kabir Road, Mysore
23. Mysore Ananda Bhavan, 100 Feet Road, Mysore
24. Jayalakshmi Bhavan, Sivarampet, Mysore
25. Madhava Mandir, Kalamma Gudi Street, Mysore
26. Prasad Lunch Home, Thyagaraja Cross Road, Agrahar, Mysore
27. Vidyarthi Nilayam, Jagan Mohan Palace Road, Mysore
28. Raju's Hotel, Agrahar, Mysore
29. Victory Cafe, 100 Feet Road, Mysore
30. New Bharat Cafe do
31. Sundar Bhavan do
32. Majestic Hotel do
33. Kailas Ananda Bhavan, Sivarampet, Mysore
34. New Mysore Ananda Bhavan, Sivarampet, Mysore
35. Sri Amba Bhavan, Sivarampet, Mysore
36. Amba Bhavan, Sivarampet, Mysore
37. Bharat Restaurant, Gandhi Square, Mysore
38. Satyanarayana Brahmin's Coffee Club, Madhavachar Road, Mysore
39. Hindu Modern Cafe, Sayyaji Rao Road, Mysore
40. New Padmalaya Restaurant, Kalamma Gudi Street, Mysore
41. New Krishna Bhavan, 100 Feet Road, Mysore
42. Sadananda Bhavan, Halladakere, Mysore
43. Chandra Bhavan, Kalamma Gudi Beedy Mysore
44. Durga Bhavan, Kalamma Gudi Beedi, Mysore
45. Lakshmi Bhavan, Mandi Mohalla, Mysore
46. Gajanana Bhavan, Marwari Road, Chamundi Extension, Mysore
47. Sree Satyanarayana Coffee Club, Narayana Sastry Road, Mysore
48. Central Cafe, Asoka Road, Mysore
49. Central Lunch Home, Asoka Road, Mysore
50. Bombay Lunch Home, Mandi Mohalla, Mysore
51. Iyer's Welcome Coffee Club, Market Square, Agrahar, Mysore
52. Shanmugananda Bhavan, Nazarbad, Mysore

53. Gopal Bhavan, Nazarbad, Mysore
54. Ambika Bhavan, Nazarbad, Mysore
55. Sri Krishna Prasanna Coffee Club, Thyagaraja Road, Agrahar, Mysore
56. Dhanalakshmi Bhavan, do do
57. Sri Vishnu Prasanna Brahmins' Coffee Club, Market Square, Agrahar Mysore.
58 Gayatri Bhavan, Bidar Krishnappa Beedi, Mysore
59 Sita Lakshmi Bhavan, Asoka West Cross, No. 5, Mysore
60. Court Hotel, Court Road, Mysore
61. Lakshmi Prasad Lodge, opposite Olympia Talkies, Mysore

SCHEDULE II.

1 Payment of four months bonus (including the Independence Day Bonus) to all the workers for the years 1947 and 1948.
2. Introduction of the Provident Fund Scheme in respect of all the Hotel employees in Mysore City.
3. Deduction of monthly membership subscription of annas four from the wages of the employees and remitting the amount to the Hotel Workers' Association.
4. Provision of medical facilities to the employees at the expense of the employer.
5. Payment of a minimum wage of Rs. 30 to employees.
6. Grant of three months bonus every year as in the case of employees in Government Factories.
7. Non-employment of workers who are not members of the Association, without the consent of the Association.
8. Fixing the minimum age of workers to be employed in Hotel and Restaurant Service at 16.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 3560—L.W. 283-51-6, dated Bangalore, 11th December 1951.

Whereas an industrial dispute exists between the Management of Messrs. B. K. Subbiah & Sons, Bangalore and the workmen employed in the said concern in respect of the matters specified in the schedule below;

And whereas in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L. S. 1075—L.W. 68-51-3, dated 15th June 1951.

SCHEDULE.

(1) Increase of Dearness Allowance Payable to Workers.

(2) Grant of substantial increments in their wages to all workers.

(3) Compensation to workers on piece rates, especially in the Weaving Department, when there is loss of their earnings, for reasons beyond their control.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. C. 1224, dated Bangalore, 3rd December 1951.

Ordered that the accompanying Notification No. P.C. 7 (2) 50-I, dated the 17th November 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

New Delhi, the 17th November 1951.

No. PC. 7 (2) 50-I.—In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government, hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Commerce and Industry No. PC-7 (2)—50, dated the 13th July 1951 namely :—

In the heading in column 2 of the Schedule to the said Notification after the words "maximum price" the words "that may be charged by a producer or an importer," shall be inserted.

P. S. SUNDARAM,
Under Secy. to the Govt. of India.

NOTIFICATION.

No. A.F. 8102—I. & S. 2-51-4, dated Bangalore, 6th December 1951.

The accompanying Notification No. S.R.O. 1007, dated 30th June 1951 of the Government of India, Ministry of Commerce and Industry, revising the prices of certain items of Iron and Steel Scrap is republished for general information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

New Delhi, the 30th June 1951.

S.R.O. 1007—The following Notification issued by the Iron and Steel Controller under clause 8 of the Iron and Steel (Scrap Control) Order, 1943, is published for general information :—

"NOTIFICATION.

In exercise of the powers conferred by sub-clause (1) of clause 8 of the Iron and Steel (Scrap Control) Order, 1943, and with the approval of the Central Government, the Iron and Steel Controller is pleased to notify the following amendment to the Government of India in the late Ministry of Industry and Supply Notification No. I (1)-I (196), dated the 5th February 1949, as amended from time to time, namely,—

For the existing 'Parts I and II' of the 'Schedule', the following shall be substituted :—

SCHEDULE.

PART I—A—*Defectives and Cuttings.*

Item No.	Description or classification of materials	Maximum base prices per ton at Calcutta, Bombay and Madras. Col. I: For sales by controlled sources other than those mentioned in Col. II.	Col. II: For sales by scrap merchants who have been declared controlled sources.	Col. III: For sales by all persons other than those mentioned in Cols. I & II.
		Rs.	Rs.	Rs.
1	Bars and Rods (Rounds and Squares below 3" and Flats up to and including 5" wide), Defective, Rejected and Non-Standard. Above 9' long for bars and above 8' long for rods.	244	269	289
2	Fishplates—Defective (for heavy or light rails),	327	352	372
3	Plates, Defective, Rejected and Non-Standard 3/8" and up thick.	265	290	310

Item No.	Description or classification of materials	Maximum base prices per ton at Calcutta, Bombay and Madras. Col. I: For sales by controlled sources other than those mentioned in Col. II	Col. II: For sales by scrap merchants who have been declared controlled sources.	Col. III: For sales by all persons other than those mentioned in Cols. I & II
		Rs.	Rs.	Rs.
4	Plates Defective, Rejected and Non-Standard 1/8″ thick,	286	311	331
5	Rails (excluding second class rails to specification T. II/28) :—			
	Defectives 12′ and up :—			
	(a) Light	260	285	305
	(b) Heavy	235	260	280
6	Semis—Defective (Ingots, Billets, Blooms, Slaps, etc., and cuttings thereof).	195	220	240
7	Sheets, Black Non-Standard, Defectives, Rejects and Cuttings over 18″ wide 11/14 gauge.	297	322	347
8	Sheets, Galvanised Corrugated, Rejected, Defective and Spotted 24 gauge.	526	551	576
9	Sleepers, Steel Rejected unused	250	275	295
10	Sleeper Bars—Rejected 9′ and above ...	202	227	247
11	Structurals including Bars (Rounds and Squares 3″ and above and Flats above 5″ wide), Defective, Rejected and Non-Standard over 9′ long.	235	260	280
	B—Industrial Scrap.			
1	Axles (Railway Engine, Carriage and Wagon Axles)	190	215	235
2	Bars and Rods (Rounds and Squares below 3″ and Flats up to and including 5″ wide) cutting 2′/9′ (for Bars) and 2′/8′ (for Rods).	240	265	285
3	Bars and Rods (Rounds and Squares below 3″ and Flats up to and including 5″ wide) cuttings under 2′ down to 1′ long.	200	225	245
4	Bars and Rods (Rounds and Squares below 3″ and Flats up to and including 5″ wide) cuttings under 1′ long.	150	175	195
5	Bars Octagonal (H. C.), Defectives and Cuttings over 2′.	315	340	375
6	Bars Octagonal (H. C.), Defectives and Cuttings 1′ to 2′.	265	290	325
7	Bars, Spring, Steel, Defectives and Cuttings over 2′ lengths.	390	415	450
8	Bars, Spring Steel, Cuttings 1′ to 2′ lengths ...	240	265	300
9	Bars, Spring Steel, Cuttings under 1′ long ...	190	215	250
10	Dog Spikes—used—second hand	155	180	200
11	Draw Bars (Railway Engine and Carriage) with or without hooks.	160	185	205
12	Fencing Posts-punched—second hand, used, complete or broken, 2′ long and over.	100	125	145
13	Hoops and thin Flats, defectives and second hand over 10′ basis.	250	275	295
	3/4″×20 gauge, below 19′ in lengths, nominal ...	470	495	545
	3/4″×18/19 gauge, below 19′ in lengths, nominal ..	435	460	510
14	Hoops or Thin Flat cuttings 2′ 10′. All widths and gauges (not exceeding 1/8″ thick).	250	275	295
15	Hoops or thin flat cuttings below 2′ and defective or second hand below 10′	140	165	185
16	Nails, Wire, Rejected, Defective and/or rusty, mixed gauges and/or sizes.	490	515	565

Item No.	Description or classification of materials	Maximum base prices per ton at Calcutta, Bombay and Madras — Col. I: For sales by controlled sources other than those mentioned in Col. II	Col. II: For sales by scrap merchants who have been declared controlled sources	Col. III: For sales by all persons other than those mentioned in Cols. I and II
		Rs.	Rs.	Rs.
17	Plate cuttings (ends) and/or Strips straight sheared (5/16" and thicker and in widths above 10").	220	245	265
18	Plate cuttings 5/16" and thicker and in widths up to 10" wide.	210	235	255
19	Plate cuttings (ends) and/or Strips straight sheared, 1/8" thick above 10" wide.	245	270	290
20	Plate sharp or cuttings 1/8" thick up to 10" wide ...	235	260	280
21	Plates—Chaquered ¼" and up	250	275	295
22	Plate (punchings for making Nuts, etc,) ...	110	135	155
23	Plates, Steamer-punched, all sizes ...	190	215	235
24	Plates shearings (resulting from fabrication work) 5'—6" and longer and mixed widths and thickness.	170	195	215
*25	P.C.R.C.A. Strips—gauge 28 and thicker :—			
	(a) Over 6"	275	300	330
	(b) 3" to 6" wide	210	235	265
	(c) Under 3"	160	185	215
*26	(a) P.C.R.C.A. Wasters— mixed gauges	315	340	370
	(b) Black Plate rejects— mixed gauges	315	340	370
27	Points and Crossings—steel	160	185	205
28	Rails (excluding second class Rails to specification T.II/28) :—			
	Cutting 2' to under 12'—			
	(a) Light	220	245	265
	(b) Heavy	195	220	240
29	Rail cuttings—Steel under 2'— (Light or Heavy)—	140	165	185
30	Rails—Wrought Iron—Used	140	165	185
31	Roll Spoils—All thickness and lengths —	190	215	235
32	Sheet cuttings, Black, Fishtails and clean cut mixed 6"/18" wide mostly 24 gauge.	230	255	280
33	Sheet cuttings, Black Fishtails and clean cut mixed 6"/24" wide, 13/18 gauge.	230	255	280
34	Sheet cuttings, Black Fishtails and clean cut mixed 6"/24" wide 19/22 gauge.	245	270	295
35	Sheet cuttings, Black Fishtails and clean cut mixed 6"/18" wide, 26 gauge.	235	260	285
36	Sheet cuttings, Black Fishtails and clean cut mixed 6"/24" wide, 28 gauge.	260	285	310
37	Sheet cuttings, Black Fishtails and clean cut mixed 6"/24" wide, 30 gauge.	280	305	330
38	Sheets—Black cuttings annealed, clean cut pieces 6" to under 18" wide.	250	275	300
39	Sheet Black cuttings 6" and up wide. All Fishtails, mixed gauges 10 to 26 gauge.	195	220	245
40	Sheets—Black cuttings 2" to under 6", 11/14 gauge ...	150	175	200
*41	Sheets—Black Cuttings :—			
	(a) Thin Straight Sheared hand bundled mixed gauges 20/34, 4" wide and over.	250	275	300
	(b) Thick hand bundled mixed gauges 20/34, 2" wide and over.	130	155	180
42	Sheets, Galvanised Cuttings plain or Corrugated 16/24 gauge.	325	350	375
43	Sheets, Galvanised-used—damaged but re-utilisable, corrugated or plain mixed or unmixed.	210	235	260

Item No.	Description or Classification of materials	Maximum Base prices per ton at Calcutta, Bombay and Madras — Col. I: For sales by controlled sources other than those mentioned in Col. II	Col. II: For sales by scrap merchants who have been declared controlled sources	Col. III: For sales by all persons other than those mentioned in Cols. I and II
		Rs.	Rs.	Rs.
44	Sleepers, Steel—Second hand (Used) ...	160	185	205
45	Sleeper Bars:—			
	(a) Cuttings 2' to below 9'	170	195	215
	(b) Cuttings below 2'	125	150	170
46	Spring Steel (Scrap) fur making swords, etc. ...	215	240	275
47	Structural cuttings 2'/9' long including those of Bars (Rounds and Squares 3" and above, and Flats above 5" wide).	225	250	270
48	Structural cuttings under 2' long including cuttings of Bars (Rounds and Squares 3" and above and Flats above 5" wide).	150	175	195
*49	Terneplate Strips—G. 28 and thicker:—			
	(a) Over 6" wide	300	325	355
	(b) 3" to 6" wide	235	260	290
	(c) Under 3"	185	210	240
50	Tie Bars—Punched—Second hand (Used) Full lengths or broken 1' long or over.	110	135	155
*51	Tinplate Strips 28 gauge and thicker. In lots where:— Minimum width is / Maximum width is			
	(a) 6"	505	530	560
	(b) 3" ... ... 6" ...	445	470	500
	(c) 2" ... ... 3" ...	495	520	550
	(d) 1" ... ... 2" ...	480	505	535
	(e) ½" ... ... 1" ...	465	490	520
	(f) ¼"	435	460	490
52	Tin Bar add Sheet Bar Crop Ends approx. 5/8", ½" and 3/8" thick, 2" to 6" wide.	170	195	215
53	Tyres—Scrap (with stud holes) maunsell ring fastenings.	190	215	235
54	Tyres (Wheel—railway Engine carriage) without stud holes.	190	215	235
55	Wire Defective and Short lengths specific gauges, basis 2.3 S.W.G.:—			
	(a) Hard Bright	410	435	470
	(b) Annealed	450	475	510
	(c) Galvanised (including Telegraph) ...	560	585	620
	(d) Barbed	660	685	720
56	Wire-Scrap and cuttings in mixed unsorted gauges:—			
	(a) Hard Bright	410	435	470
	(b) Annealed	450	475	510
	(c) Galvanised	560	585	620
57	Wire—Scrap Twisted bent and rusty, mixed or unmixed gauges:—			
	(a) Unannealed	285	310	345
	(b) Annealed	310	335	370
	(c) Galvanised	405	430	465
	(d) Barbed	470	495	530
58	Mild Steel Commercial quality melting scrap excluding borings and turnings and special quality low phosphorus melting scrap.	60	60	60
59	Fresh Borings and Turnings	The maximum price shall be Rs 10 per ton ex-site from all persons and sources including controlled sources and shall not be subject to any place extras.		

Item No.	Description or classification of materials	Maximum base prices per ton at Calcutta, Bombay and Madras		
		Col. I	Col. II	Col. III
		For sales by controlled sources other than those mentioned in Col II	For sales by scrap merchants who have been declared controlled sources.	For sales by all persons other than those mentioned in Cols. I and II
		Rs.	Rs.	Rs.
60	Special quality Low Phosphorus Steel melting scrap with phosphorus content below ·035 per cent.	95	95	95
61	Special quality low Phosphorus Steel melting scrap with Phosphorus content ·035 per cent to under ·045 per cent.	80	80	80
62	Cast Iron Melting Scrap			
	Grade I	70	70	70
	Grade II	48	48	48

*Gauge extras applicable to items 25, 26, 41, 49 and 51 (Tinplate Co.'s Specifications) for lots :—

1	Thinner than 28 gauge	Rs. 25 per ton.
2	29 to 30 gauge	Rs. 30 per ton.
3	31 to 32 gauge	Rs. 35 per ton.
4	33 to 34 gauge	Rs. 45 per ton.

PART II.—*Scrap for Re-rolling*

Item No.	Description of materials or lot	Maximum prices per ton at Calcutta, Bombay and Madras
		Rs.
1	Defective Semis including Sheet and Tin Bars and any other items accepted by Registered Producers as Semis for Re-rolling purposes.	195
2	Fresh re-rollable scrap from all sources including fresh steel rail cuttings and other scrap recovered from the process of fabricating new steel, but excluding roll-spoils.	170
3	Used Railway straight Axles	170
4	Used Steel Rails of all descriptions in re-rollable lengths including points and crossings.	140
5	Steel long-draw Bars (with or without Hooks) ...	140
6	Fresh Roll-Spoils 3/4" and thicker which are suitable for which the Controller considers should be used for re-rolling, lengths 5'—6" and up.	170
7	All other re-rollable scrap from any source including such scrap recovered from old fabrication, etc. which the Controller considers suitable or fit for re-rolling.	130

The above amendments shall take effect from 1st July 1951.

M. K. POWVALA,
Iron and Steel Controller."

[No. SC (A)-1 (196)]

C. R. NATESAN, Dy. Secy.

NOTIFICATION.

No. C. 1333—Co. 40-50-68, dated Bangalore, 10th December 1951.

Ordered that the accompanying Notification No. PC-7 (2)—50 (iii), dated the 17th November 1951, of the Government of India, Ministry of Commerce and Industry, under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950) be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

New Delhi, the 17th November 1951.

No. PC-7 (2)—50. (III). In exercise of the powers conferred by section 4 of the Supply and Prices of Goods Act 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Commerce and Industry S.R.O. 720, dated the 12th May 1951, namely :—

In the heading in column 2 of the Schedule to the said notification after the words "maximum price" the words "that may be charged by an importer" shall be inserted.

P. S. SUNDARAM,
Under Secretary to the Government of India.

NOTIFICATION.

No. 1342—Co. 40-50-66, dated Bangalore, the 10th December 1951.

Ordered that the accompanying notifications No. P.C.-18(1)—51—I, dated the 24th November 1951 and No. PC-18(1)—51-11, dated the 24th November 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 24th November 1951.

No. PC-18 (1)—51-I. In exercise of the powers conferred by Sections 13 and 19 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), and all other powers enabling it in this behalf, the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O.-167, dated the 1st February 1951, namely :—

In the said notification, for clause (*b*), the following shall be substituted, namely :—

"(*b*) Every dealer in sulphur should declare in writing to the Development Officer (Chemicals, Drugs and Plastics), Ministry of Commerce and Industry, Shahjahan Road, New Delhi, before the 15th day of every month, particulars of the stocks of sulphur held by him on the first and last day of the preceding month and particulars of the sales made by him during the preceding month, in the form specified in the Schedule hereto annexed. A copy of such declaration shall be sent by the dealer to the Government of the State in which he is carrying on business or to any officer authorised by the State Government in this behalf".

THE SCHEDULE.

Sulphur stock and issue statement.

(to be furnished by dealers including importers.)

For the month ending.....195 .

Name of dealer including importer and address.

1. Opening stock on the first day of.....195 .

Quality* Quantity

†2. Quantity imported against I.M.C. allocation :—

Country of Origin	Date of arrival	Name of Port	Quality*	Quantity

†3. Quantity imported direct and outside allocation :—

Country of Origin	Date of arrival	Name of Port	Quality*	Quantity

4. Quantity delivered to consumers or others :—

Name of Party and address	Consumer or dealer	Quality*	Quantity	Release No. and date from Government

5. Closing stock on the last day of the month :—

Quality* Quantity.

N.B.—*Quality to be specified as:—

(a) Crude Sulphur.....American, Italian, etc.

(b) Refined sulphur.....(i) Roll

(ii) Powdered or flowers.

†applies to dealers who are importers."

P. S. SUNDARAM,

Under Secretary to the Government of India.

NOTIFICATION.

No. C. 1343—Co. 40-50-64, dated Bangalore, 10th December 1951.

Ordered that the accompanying Notification No. PC.-7(2)/50. II, dated the 17th November 1951 of the Government of India, Ministry of Commerce and Industry, under the Supply and Prices of Goods Act, 1950 (No. LXX of 1950), be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 17th November 1951.

No. P.C. 7 (2)/50. II. In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act, 1950 (LXX of 1950), the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Commerce and Industry No. 7 (8)-PC—50, dated the 18th May 1951, namely :—

In the heading in cloumn 2 of the Schedule to the said notification after the words "maximum price" the words "that may be charged by a producer" shall be nserted.

P. S. SUNDARAM,
Under Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 9533—Ml. 97-51-7, dated Bangalore, 5th December 1951.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), His Highness the Maharaja of Mysore is pleased to direct that the provisions of the said Act shall come into force in Shikaripur Town from the first day of January 1952.

By Order of His Highness the Maharaja,

No. T. 5419—R.T. 73-51-4, dated Bangalore, 6th December 1951.

In exercise of the powers conferred by Rule 425 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja of Mysore is pleased to exempt the motor vehicle bearing Engine No. T. 110. L-106681-C. and Chassis No. 124398-C. belonging to Sri M. G. Subba Rao, Singarajapura, Channapatna Taluk, from the operation of Rule 319 of the said Rules subject to the condition that the overhang of the vehicle does not exceed 49 per cent of the wheel-base.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L.S. 3540—L.W. 22-51-11, dated Bangalore, 10th December 1951.

In exercise of the powers conferred by sub-rule (2) of Rule 1, of the Welfare Officers, (Recruitment and Conditions of Service) Rules, 1951, issued in Government Notification No. L. S. 3061—L. W. 22-51-10, dated 8th November 1951, His Highness the Maharaja of Mysore, is pleased to appoint the 1st day of January 1952, as the date on which the provisions of the said Rules shall come into force.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. F. 8372—B.R. 9-51-2, dated Bangalore, 10th December 1951.

In exercise of the powers conferred by Section 5 (*a*) of the Act for the prohibition of Beggary, 1944 (Mysore Act No. XXXIII of 1944), read with Rule 5 of the Rules for the Prohibition of Beggary, 1947, His Highness the Maharaja of Mysore is pleased to nominate Sri T. Madiah Gowda, B.A., LL.B., President, Mysore State Adult Education Council as a Member of the Central Beggar Relief Committee reconstituted as per Notification No. Camp E. 17—B.R. 20-51-3, dated 11th October 1951, *vice* Hon'ble Sri V. Venkatappa, resigned.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. A.F. 7881—Mart. 8-51-4, dated Bangalore, 1st December 1951.

In exercise of the powers conferred by Section 5 of the Mysore Agricultural Produce Markets Act, 1939 (Mysore Act No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to direct that the following

amendment shall be made in Notification No. A.F. 2441—Mart. 9-50-3, dated 8th June 1950, namely,

to the list of taluks annexed to the said Notification, after item "No. 7, Sira" the following shall be added, namely :—

"8. Turuvekere
9. Chiknaikanhalli".

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

No. M. 16073—P.H. 46-51-4, dated Bangalore, 8th December 1951.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Mysore Health Cess Act, 1951 (Mysore Act No. XVIII of 1951), His Highness the Maharaja of Mysore is pleased to specify one anna in the rupee as the rate of Health Cess which shall be levied and collected on all items of revenue other than land revenue on which education cess is leviable.

By Order of His Highness the Maharaja,

MOHAMED RAHMATHULLA,

Secretary to Government,
Medical and Public Health Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(SUPPLEMENTAL)

BANGALORE, THURSDAY, DECEMBER 13, 1951

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 3570—L.W. 82-51-7, dated Bangalore, the 11th December 1951.

In exercise of the powers conferred by Section 29 of the Indian Trade Unions Act, 1926 (Central Act XVI of 1926), His Highness the Maharaja of Mysore is pleased to make the following Regulations the same having been previously published as required by Section 30 of the said Act.

Mysore Trade Unions Regulations, 1951.

1. These regulations may be called the Mysore Trade Unions Regulations, 1951. Title and application.

2. In these regulations— Definitions.

(a) "the Act" means the Indian Trade Unions Act, 1926.

(*b*) "Form" means a form appended to these regulations.

(*c*) "Section" means a section of the Act.

Applications for registration.

3. Every application for registration of a Trade Union under section 4 shall be made in Form A.

Register of Trade Unions.

4. The Register of Trade Unions referred to in section 8 shall be maintained in Form B.

Certificate of registration.

5. The certificate of registration issued by the Registrar under section 9 shall be in Form C.

Cancellation or withdrawal of registration.

6. (1) Every application for cancellation or withdrawal of registration under clause (*a*) of section 10 shall be signed by the Secretary and seven or more members of the trade union and the seal of the trade union shall be affixed thereto.

(2) There shall be appended to every such application a certificate signed by the members making it to the effect that the statements contained in the application are to the best of their knowledge and belief true.

(3) Upon an application for the cancellation or withdrawal of registration of a trade union being presented to him, the Registrar, if he has reason to believe that the applicants have not been duly authorised by such union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him necessary and examine any officer of such union.

(4) The Registrar shall, when he proposes to withdraw or cancel the certificate of registration of a trade union under clause (*b*) of section 10, cause to be served a notice in Form D on the trade union through its Secretary in person or by registered post.

(5) The certificate of registration issued to a trade union under regulation 5 shall be surrendered by the Secretary of the union when the Registrar decides to withdraw or cancel such certificate under clause (*a*) or clause (*b*) of section 10.

Transfer of registration of union.

7. (1) The Registrar, on receipt of a notice of removal of the registered office to any State in India other than the State of Jammu and Kashmir, shall forward to the Registrar of the State to which the head office of the trade union has been transferred a copy of all the entries contained in the register prescribed by regula-

tion 4 and a copy of the rules of the union with all amendments thereto.

(2) The Registrar of the State to which the head office of the trade union has been transferred will thereupon enter in his register the particulars relating to the trade union and shall certify the fact of such registration on the certificate issued under regulation 5. The Secretary of the union shall present the certificate to the Registrar for this purpose.

(3) The procedure prescribed in clause (2) above shall be followed in respect of a trade union whose head office has been transferred to the Mysore State:

Provided that, if the name of the trade union the head office of which has been so transferred is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall require such trade union to change its name and shall refuse to act under clause (2) until such change has been made.

Registration of change of name.

8. When the Registrar registers a change of name under sub-section (3) of section 25, he shall certify under his signature at the foot of the certificate issued under regulation 5 that the new name has been registered. The Secretary shall present the certificate to the Registrar for this purpose.

Amalgamation of trade unions.

9. On receipt of notice of amalgamation under sub-section (1) of section 25 if the head office of the amalgamated trade union is in the Mysore State the Registrar shall consult the Registrars of the trade unions in the States in India so amalgamating, if any, before registering the amalgamated trade union under sub-section (4) of the said section.

When the amalgamated trade union is registered under sub-section (4) of the said section it shall be assigned a new number in the register in Form B and the Registrar shall issue a new certificate in Form C therefor. He shall also note the fact of amalgamation against the entries, if any, relating to the trade unions so amalgamated in the register in Form B and send intimation of the registration of the amalgamated union to the Registrars of the trade unions so amalgamated in other States in India, if any.

Fees.

10. The fee payable for the registration of a trade union shall be Rs. 5.

Amendment of rules.

11. (1) On receiving a copy of the alteration made in the rules of a trade union sent under sub-section (3) of section 28, the Registrar after satisfying himself that the alteration has been made in the manner laid down by the rules of the trade union and is not inconsistent with any of the provisions of the Act, shall register the alteration in the entry relating to the trade union in the register of trade unions prescribed under regulation 4 and deliver to the Secretary of such trade union a copy of the alteration with a certificate appended thereto to the effect that the alteration has been duly registered by him.

(2) The fee payable for registration of alterations of rules shall be Re. 1 for each set of alterations made simultaneously.

Appeals.

12. Any appeal made under sub-section (1) of section 11 shall be filed within sixty days of the date of the order against which the appeal is made.

Dissolution of trade union.

13. (1) Along with the notice of dissolution under sub-section (1) of section 27 the certificate issued under regulation 5 shall be surrendered. When the Registrar registers the dissolution, he shall send an intimation of the fact of such registration under his signature to the Secretary of the trade union.

(2) Where it is necessary for the Registrar, under sub-section (2) of section 27, to distribute the funds of a trade union which has been dissolved, he shall divide the funds in proportion to the amounts contributed by the members on roll at the time of dissolution, by way of subscription to the several funds of the trade union during their membership. In the event of the death of a member of a trade union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to each member to his legal representative.

Return.

14. The annual return to be furnished under section 28 shall be submitted to the Registrar by the 31st day of July in each year and shall be in Form E.

Auditors.

15. (1) The annual audit of the accounts of a registered trade union shall be conducted by:

(*a*) the auditor authorised to audit the accounts of companies registered under the Indian Companies Act, 1913, (Central Act III of 1913); or

(*b*) where the membership of a trade union did not at any time during the financial year exceed 2,500,

(i) by any local fund auditor appointed by the State Government, or

(ii) by the Controller of State Accounts, or

(iii) by a person, who having held an appointment under Government in any audit or accounts department, is in receipt of a pension of not less than Rs. 150 per mensem, or

(*c*) where the membership of a trade union did not at any time during the financial year exceed 750,

(i) by any person, who, having held an appointment under Government in any audit or accounts department is in receipt of a pension from Government of not less than Rs. 75 a month, or

(ii) by any auditor appointed to conduct the audit of Co-operative Societies or by the Registrar of Co-operative Societies or by any Provincial Co-operative organisation recognised by Government for this purpose, or

(*d*) where the membership of a trade union did not at any time during the financial year exceed 250 by any two members of the union.

(2) Where the trade union is a federation of unions, and the number of unions affiliated to it at any time during the financial year did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it had not at any time during the year had a membership of more than 2,500, 750 or 250, respectively.

16. Notwithstanding anything contained in regulation 15, no person, who, at any time during the year, was entrusted with any part of the funds or securities belonging to the trade union shall be eligible to audit the accounts of that Union. Exception.

17. The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the trade union and shall verify the annual return Audit.

with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to Form E, indicating separately on that form, under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, unvouched or not in accordance with the Act. The particulars given in this statement shall indicate:

(*a*) every payment which appears to be unauthorised by the rules of the trade union or contrary to the provisions of the Act,

(*b*) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person,

(*c*) the amount of any sum which ought to have been but is not brought to account by any person.

Audit of political funds.

18. The audit of the political fund of a registered Trade Union shall be carried out along with the audit of the general account of the trade union and by the same auditor or auditors.

Inspection.

19. (1) The register of trade unions maintained in accordance with regulation 4, shall be open to inspection by any person on payment of a fee of annas eight.

(2) Any documents in the possession of the Registrar received from a registered trade union may be inspected by any person on payment of a fee of annas eight for each document inspected.

(3) Documents shall be open to inspection on all days on which the Office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

(4) Copies of any of the documents specified in clause (2) may be obtained by any person from the Registrar on payment of copying charges at such rates as may be fixed by him in that behalf.

SCHEDULE I.

List of Officers.

Title	Name	Age years	Address	Occupation

NOTE.—Enter in this Schedule the names of all members of the executive of the Union, showing in column 1 the names of any posts held by them (*e.g.*, President, Secretary, Treasurer, etc.) in addition to their offices as members of the executive.

SCHEDULE II.

Reference to Rules.

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below:—

Matter 1	Number of rules 2
Name of Union.—	
The whole of the objects for which the Union has been established.	
The whole of the purposes for which the general funds of the Union shall be applicable.	
The maintenance of a list of members ...	
The facilities provided for the inspection of the list of members by officers and members.	
The admission of ordinary members ...	
The admission of honorary or temporary members...	
The conditions under which members are entitled to benefits assured by the rules.	
The conditions under which fine or forfeitures can be imposed or varied.	
The manner in which the rules shall be amended, varied or rescinded.	
The manner in which the members of the executive and other officers of the Union shall be appointed and removed.	
The safe custody of the funds	
The annual audit of the accounts	
The facilities for the inspection of the account books by officers and members.	
The manner in which the union may be dissolved ...	

SCHEDULE III.

(This need not be filled in if the Union came into existence less than one year before the date of application for registration).

Statement of Liabilities and Assets on the day of.....19

Liabilities	Rs. a. p.	Assets	Rs. a. p.
Amount of general fund.		Cash ...	
Amount of political funds.		In hands of Treasurer ...	
Loans from ...		In hands of Secretary ...	
Other liabilities (to be specified).		In hands of ...	
		In the Bank ...	
		In the Bank ...	
		Securities as per list below:	
		Unpaid subscriptions due ...	
		Loans to ...	
		Immovable property, Goods and furniture.	
		Other assets (to be specified)	
Total liabilities		Total assets	

LIST OF SECURITIES.

Particulars	Nominal value	Market value	In hands of

Signed 1 2 3 4 5 6 7

FORM A.

Application for Registration of Trade Union.

Dated the.....day of.....

1. We hereby apply for the registration of a trade union under the name of

2. The address of the head office of the Union is

3. The Union came into existence on the day of.....19

4. The union is a union of employers/workers engaged in the industry (or profession).

5. A copy of the rules of the union duly subscribed as required by section 4 of the Indian Trade Unions Act, 1926, is appended hereto.

6. The particulars required by section 5 (1) (c) of the Indian Trade Unions Act, 1926, are given in Schedule I.

7. The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 6 of the Indian Trade Unions Act, 1926.

8. (To be struck out in the case of unions which have not been in existence for one year before the date of application). The particulars required by section 5(2) of the Indian Trade Unions Act, 1926, are given in Schedule III.

9. We have been duly authorised to make this application.

Signature	Occupation	Address
Signed 1		
2		
3		
4		
5		
6		
7		

*State here whether the authority was given by a resolution of a general meeting of the Union, if not in what other way it was given.

To

The Registrar of Trade Unions for the Mysore State, Bangalore.

FORM B.

Register of Trade Unions.

1. Serial Number.
2. Date of registration.
3. (*a*) Names of the members making the application ;
   (*b*) Occupations of the members making the application ;
   (*c*) Addresses of the members making the application.
4. Name of Trade Union.
5. Address of the head office of Trade Union.
6. Date of establishment of Trade Union.
7. Officers of Trade Union :—
   Title
   Name
   Age
   Occupation
   Address
8. Signature of the Registrar.
9. (*a*) Whether provision has been made for a separate fund under section 16 and if so from what date ;
   (*b*) Initials of the Registrar.
10. (*a*) Date of intimation for alteration of rules ;
    (*b*) Date of registration of alteration of rules and issue of a certified copy thereof ;
    (*c*) Initials of the Registrar.
11. (*a*) Date of registration of change of address of registered office ;
    (*b*) Address of the Trade Union as changed ;
    (*c*) If the changed address is in any State in India, whether extracts of registration sent to the Registrar of that State.
    (*d*) Initials of the Registrar.
12. (*a*) Date of registration of change of name ;
    (*b*) Name of the Trade Union as changed ;
    (*c*) Initials of the Registrar.
13. (*a*) Date of Registration of amalgamation ;
    (*b*) Name of the amalgamated Union ;
    (*c*) Registration number of the amalgamated Union ;
    (*d*) Initials of the Registrar.
14. (*a*) Date of application for concellation of registration under section 10 (*a*) ;
    (*b*) Date of giving notice for cancellation or withdrawal under section 10 (*b*) ;
    (*c*) Date of issue of order withdrawing or cancelling registration ;
    (*d*) Initials of the Registrar.
15. (*a*) (1) Names of the members applying for dissolution ;
    (2) Occupations of the members applying for dissolution ;
    (3) Addresses of the members applying for dissolution ;
    (*b*) Date of registration of dissolution and issue of certificate to that effect ;
    (*c*) Number and date of Registrar's Proceedings ordering distribution of funds under section 27 (2) if any ;
    (*d*) Initials of the Registrar.

NOTE.—One page shall be allotted for each union.

FORM C.

Certificate of Registration of Trade Union.

No.

It is hereby certified that the..... ..... has been registered under the Indian Trade Unions Act, 1926 this day of.....195 .

Registrar of Trade Unions
for the Mysore State, Bangalore.

Seal.

FORM D.

OFFICE OF THE
REGISTRAR OF TRADE UNIONS
FOR THE MYSORE STATE, BANGALORE.
Place.....

Indian Trade Unions Act, 1926 (XVI of 1926).

Notice before withdrawal or cancellation of certificate of registry under clause (*b*) of section 10 of the Act.

.....Trade Union.

Register No.

Notice is hereby given to the abovementioned Trade Union that it is the intention of the Registrar to proceed on the* date of .....195 , to withdraw (or cancel) the certificate of registration of the Trade Union unless cause be shown to the contrary in the meantime.

The ground of such proposed withdrawal (or cancellation) is that the certificate of registration has been obtained by fraud (or mistake), or that the Trade Union has ceased to exist or has wilfully and after notice from me violated the provisions of the abovementioned Act, or allowed its rule..... .... to continue in force which is/are inconsistent with the provisions of the Act or has rescinded its rule.....providing for a matter provision for which is required by section 6.

(The facts should be briefly specified where practicable).

(Signature)
Registrar.

Dated..... .....day of.....195 .

*The date entered here shall not be less than two months from the date of notice.

To

THE SECRETARY TO
(here enter name of Trade Union).

FORM E.

(Annual return prescribed under section 28 of the Indian Trade Unions Act, 1926, for the year ending 31st March 195).

Name of Union.
Registered Head Office.
Number of certificate of registration.

Return to be made by Federations of Trade Unions. This return need not be made by Federation of Trade Unions.	Number of unions affiliated at beginning of year. Number of unions joining during the year. Number of unions disaffiliated at the end of year. Number of members on books at the beginning of the year. Number of members admitted during the year (add together). Number of members who left during the year (deduct). Total number of members on books at the end of the year. Males. Females. Number of members contributing to political fund.

A copy of the rules of the Trade Union, corrected up to the date of despatch of this return, is appended.

Dated the.....

Secretary.

Statement of Liabilities and Assets on the day of 195 .

Liabilities	Rs. a. p.	Assets	Rs. a. p.
Amount of General Fund		Cash	
Amount of Political Fund.		In hands of Treasurer	
Loans from		In hands of Secretary	
Debts due to		In hands of.....	
Other liabilities (to be specified)		In the.....Bank	
		In the .....Bank	
		Securities as per list below.	
		Unpaid subscriptions due	
		Loans to	
		Immovable property	
		Goods and furniture	
		Other assets (to be specified)	
Total Liabilities		Total Assets	

POLITICAL FUND ACCOUNT.

	Rs. a. p.		Rs. a. p.
Balance at beginning of year ...		Payments made on objects specified in Section 16 (2) of the Indian Trade Unions Act, 1926 (to be specified) ...	
Contributions from members at.....per member ...		Expenses of managements (to be fully specified) ...	
		Balance at the end of year ...	
Total ...		Total ...	

Treasurer.

AUDITOR'S DECLARATION.

The undersigned, having had access to all the books and accounts of the Trade Union and having examined the foregoing statements and verified the same with the account vouchers relating thereto now sign the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto.

The enclosed list, prepared by the Union, of the ordinary members who, had actually paid their subscriptions to the union as fixed by the rules thereof for the financial year by the 31st March, has been checked by me and a certificate to that effect is appended to the list.

Auditor.

The following changes of officers have been made during the year.

OFFICERS RELINQUISHING OFFICE.

Name	Office	Date of relinquishing office

LIST OF SECURITIES.

Particulars	Nominal value	Market value at date on which accounts have been made up	In hands of

Treasurer.

GENERAL FUND ACCOUNT.

Income	Rs. a. p.	Expenditure	Rs. a. p.
Balance at beginning of year ...		Salaries, allowances and expenses of officers ...	
Contributions from members at.....per member ...		Salaries, allowances and expenses of establishment.	
Donations ...		Auditor's fees ...	
Sale of periodicals, rules, etc. ...		Legal expenses ...	
Interests on investments ...		Expenses in conducting trade disputes ...	
Income from miscellaneous sources (to be specified)...		Compensation paid to members for loss arising out of trade disputes ...	
		Funeral, old age, sickness, unemployment benefits, etc. ...	
		Educational, social and religious benefits ...	
		Cost of publishing periodicals ...	
		Rents, rates and taxes ...	
		Stationery, Printing and postage ...	
		Expenses incurred under section 15 (11) of the Indian Trade Unions Act, 1926 (to be specified) ...	
		Other expenses (to be specified) ...	
		Balance at the end of year.	
Total ...		Total ...	

Officers appointed.

Name	Age	Office	Address	Occupation	Date of appointment

Secretary.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

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Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, MONDAY, DECEMBER 10, 1951

Notice under Rule 5-A of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.

Bangalore, dated the 8th December 1951.

In exercise of the powers conferred by Rule 5-A of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in modification of notice dated the 17th November 1951, issued under Rule 5-A of the said Rules, I, K. P. Ramanathaiya, Chief Electoral Officer for the State of Mysore, hereby extend the time up to the 3rd day of January 1952, within which applications have to be submitted for the purposes of the preparation of the electoral roll of the *Teachers'* Constituency for election to the Legislative Council of the State of Mysore.

K. P. RAMANATHAIYA,
Chief Electoral Officer for Mysore.

P. C.

Subd to H.S.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, MONDAY, DECEMBER 10, 1951

Notice under Rule 5-A of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.

Bangalore, dated the 8th December 1951.

In exercise of the powers conferred by Rule 5-A of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, and in modification of notice dated the 17th November 1951, issued under Rule 5-A of the said Rules, I, K. P. Ramanathaiya, Chief Electoral Officer for the State of Mysore, hereby extend the time up to the 3rd of January 1952, within which applications have to be submitted for the purposes of the preparation of the electoral roll of the *Graduates'* Constituency, for election to the Legislative Council of the State of Mysore.

K. P. RAMANATHAIYA,
Chief Electoral Officer for Mysore.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, SATURDAY, DECEMBER 15, 1951

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 3380—L.W. 178-51-3, dated Bangalore, the 30th November 1951.

The following draft of certain rules, which it is proposed to make in exercise of the powers conferred by Section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), and in supersession of the Rules under the Mysore Factories Act, 1936, issued in Notification No. D. 3187—I. & C. 203-35-28, dated 8th October 1938, is hereby published for the information of all persons likely to be affected thereby, as required by Section 115 of the Factories Act, 1948.

Notice is hereby given that the said draft will be taken into consideration on or after the 1st April 1952.

Objections or suggestions to the draft rules sent to the Secretary to Government, Law Department, through the Commissioner of Labour and Chief Inspector of Factories in Mysore, Bangalore, before the said date, will be considered by the State Government.

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) These Rules may be cited as the Mysore Factories Rules, 1951.

(2) These Rules shall extend to the whole State of Mysore and shall come into force immediately.

2. *Definitions.*—In these Rules unless there is anything repugnant in the subject or context :—

(*a*) "Act" means the Factories Act, 1948.

(*b*) "Appendix" means an appendix appended to these Rules.

(*c*) "Artificial Humidification" means the introduction of moisture into the air of a room by any artificial means whatsoever, except the unavoidable escape of steam or water vapour into the atmosphere directly due to a manufacturing process:

Provided that the introduction of air directly from outside through moistened mats or screens placed in openings at times when the temperature of the room is 80 degrees or more, shall not be deemed to be artificial humidification.

(*d*) "Belt" includes any driving strap or rope.

(*e*) "Degrees" (of temperature) means degrees on the Fahrenheit scale.

(*f*) "District Magistrate" includes such other official as may be appointed by the State Government in that behalf.

(*g*) "Fume" includes gas or vapour.

(*h*) "Health Officer" means the Municipal Health Officer or District Health Officer or such other official as may be appointed by the State Government in that behalf.

(*i*) "Hygrometer" means an accurate wet and dry bulb hygrometer conforming to the prescribed

conditions as regards constructions and maintenance.

(j) "Inspector" means an officer appointed under Section 8 of the Act and includes "Chief Inspector".

(k) "Maintained" means maintained in an efficient state, in efficient working order and in good repair.

(l) "Manager" means the person responsible to the occupier for the working of the factory for the purposes of the Act.

(m) "Family" means the wife, son, daughter, father, mother, brother or sister of the owner of any place wherein a manufacturing process is carried on who lives with or is dependent on such owner.

(n) "Public Health Authority" means the local Health Officer having jurisdiction over the area.

(o) "Section" means a Section of the Act.

(p) "Schedule" means a schedule appended to these Rules.

(q) "State Government" means the Government of Mysore.

Rules 3 to 11 prescribed under sub-section (1) of Section 6.

3. *Approval of plans.*—(1) No manufacturing process shall be carried on in any building constructed or extended or taken into use as a factory or a part of a factory after the date of the commencement of the Act, unless previous permission in writing is obtained from the State Government or the Chief Inspector.

Application for such permission shall be made in the prescribed Form No. 1 which shall be accompanied by the following documents :—

(a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages.

(b) Plans in duplicate drawn to scale showing :—

(i) the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains, etc.;

(ii) the plan elevation and necessary cross-sections of the various buildings, indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the

plant and machinery, aisles and passage ways; and

(c) Such other particulars as the Chief Inspector may require.

(2) If the Chief Inspector is satisfied that the plans are in consonance with the requirements of the Act he shall, subject to such conditions as he may specify, approve them by signing and returning to the applicant one copy of each plan; or he may call for such other particulars as he may require to enable such approval to be given.

4. *Application for registration and grant of licence.*—The occupier of every factory shall submit to the Chief Inspector an application in the prescribed Form No. 2 for the registration of the factory and grant of a licence. The application shall be accompanied by the notice of occupation in Form No. 3, in duplicate, prescribed under Section 7, provided that the occupier of premises in use as a factory on the date of the commencement of the Act shall submit such application within 30 days from date of commencement of the Act.

5. *Grant of licence.*—(1) A licence for a factory shall be granted by the Chief Inspector in Form No. 4 prescribed for the purpose and on payment of the fees specified in the Schedules A, B and C.

(2) Every licence granted or renewed under this Chapter shall remain in force up to the 31st of December of the year for which the licence is granted or renewed.

SCHEDULE A.

(1) Scale of fees payable for licence and annual renewal of licence by factories defined under Section 2 (m) (i) of the Factories Act, 1948, other than Electricity Generating, Transforming or Transmitting factories.

	Total amount of rated H.P. installed			Maximum number of workers to be employed during the year													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14
	10 or under	Over	Not over	10 to 20	21 to 50	51 to 100	101 to 250	251 to 500	501 to 750	751 to 1,000	1,001 to 1,500	1,501 to 2,000	2,001 to 3,000	3,001 to 5,000	5,001 to 7,500	7,501 to 10,000	10,000 and over
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
A ...	10 or under ...	...	...	25	50	75	150	300	450	600	750	1,000	1,250	1,500	2,000	2,500	3,000
B ...		10	50	35	60	85	200	350	500	650	800	1,250	1,500	1,750	2,250	2,750	3,250
C ...		50	100	45	70	95	210	360	525	675	825	1,300	1,550	1,800	2,300	2,800	3,300
D ...		100	250	55	80	105	220	370	550	700	850	1,350	1,600	1,850	2,400	2,900	3,400
E ...		250	500	75	100	125	240	390	570	750	900	1,400	1,650	1,900	2,500	3,000	3,500
F ...		500	1,000	95	120	145	260	410	590	800	950	1,450	1,700	1,950	2,600	3,100	3,600
G ...		1,000	2,000	115	140	165	280	430	610	850	1,000	1,500	1,750	2,000	2,700	3,200	3,700
H ...		2,000	5,000	135	100	185	300	450	630	900	1,100	1,600	1,850	2,200	2,900	3,500	4,000
I ...		5,000	10,000	165	190	215	330	480	660	1,000	1,200	1,800	2,050	2,400	3,100	3,800	4,300
J ...		10,000	and over	195	220	245	360	510	690	1,100	1,300	2,000	2,250	2,600	3,300	4,100	4,600

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SCHEDULE B.

Scale of fees payabl for licence and annual renewal of licence by Electricity Generating, Transforming or Transmitting factories.

	Total installed capacity (in K.W.)	Fee payable
		Rs.
A.	50 K.W. or less	25
B.	Over 50 K.W.—not over 100 K.W. ...	50
C.	Over 100 K.W.—not over 150 K.W.	75
D.	Over 150 K.W.—not over 300 K.W. ...	100
E.	Over 300 K.W.—not over 750 K.W. ...	150
F.	Over 750 K.W.—not over 1,000 K.W. ...	225
G.	Over 1,000 K.W.—not over 5,000 K.W. ...	450
H.	Over 5,000 K.W.—not over 10,000 K.W. ...	750
I.	Over 10,000 K.W.—not over 50,000 K.W. ...	1,250
J.	Over 50,000 K.W.—not over 60,000 K.W. ...	1,500
K.	Over 60,000 K.W.—not over 80,000 K.W. ...	1,750
L.	Over 80,000 K.W.—not over 100,000 K.W. ...	2,000
M.	Over 100,000 K.W.—not over 150,000 K.W. ...	2,500
N.	Over 150,000 K.W.—not over 200,000 K.W. ...	3,000
O.	Over 200,000 K.W.—not over 300,000 K.W. ...	3,500
P.	All over 300,000 K.W. (without limit) ...	4,000

SCHEDULE C.

Scale of fees payable for licence and annual renewal of licence by factories defined under Section 2 (m) (ii) of the Factories Act, 1948.

Quantity of H.P. installed (maximum H.P.)	Maximum number of persons to be employed on any day during the year						
	20	50	100	250	500	750	1,000 and above
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nil ...	10	25	50	125	250	375	500

6. *Amendment of licence.*—(1) A licence granted under Rule 5 may be amended by the Chief Inspector.

(2) A licensee who desires to have his licence amended shall submit it to the Chief Inspector with an application stating the nature of the amendment and reasons therefor.

(3) The fee for the amendment of a licence shall be five rupees *plus* the amount (if any) by which the fee that would have been payable if the licence had originally been issued in the amended form exceeds the fee originally paid for the licence.

7. *Renewal of licence.*—(1) A licence may be renewed by the Chief Inspector.

(2) Every application for the renewal of a licence shall be accompanied by the notice of occupation in the prescribed Form No. 3, in duplicate, and shall be made not less than 30 days before the date on which the licence expires, and, if the application is so made, the premises shall be held to be duly licensed until such date as the Chief Inspector renews the licence.

(3) The same fee shall be charged for the renewal of a licence as for the grant thereof:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), the licence shall be renewed only on payment of a fee 25 per cent in excess of the fee ordinarily payable for the licence.

8. *Transfer of licence.*—(1) The holder of a licence may, at any time before the expiry of the licence, apply for permission to transfer his licence to another person.

(2) Such application shall be made to the Chief Inspector who shall, if he approves of the transfer, enter upon the licence, under his signature, an endorsement to the effect that the licence has been transferred to the person named.

(3) A fee of five rupees shall be charged on each such application.

9. *Procedure on death or disability of licensee.*—If a licensee dies or becomes insolvent, the person carrying on the business of such licensee shall not be liable to any penalty under the Act for exercising the powers granted to the licensee by the licence during such time as may reasonably be required to allow him to make an application for the amendment of the licence under Rule 6 in

his own name for the unexpired portion of the original licence.

10. *Loss of licence.*—Where a licence granted under these Rules is lost or accidentally destroyed, a duplicate may be granted on payment of a fee of rupees five.

11. *Payment of fees.*—(1) Every application under these Rules shall be accompanied by a treasury receipt showing that the appropriate fee has been paid into the local treasury under the head of account "XXXVI. Miscellaneous Department—Mis. Receipts under the Factories Act, 1948".

(2) If an application for the grant, renewal or amendment of a licence is rejected, the fee paid shall be refunded to the applicant.

(3) It shallbe the obligation of the occupier or the licensee, as the case may be, to submit to the Chief Inspector of factories, application for registration and grant of license or renewal, transfer or amendment of the licence as may be necessary within the time prescribed in the foregoing Rules.

Form prescribed under sub-section 1 of Section 7.

12. *Notice of occupation.*—The notice of occupation shall be in Form No. 3.

CHAPTER II.

INSPECTING STAFF.

Rule prescribed under Section 9.

13. *Powers of Inspectors.*—(1) An Inspector shall for the purpose of the execution of the Act, have power to do all or any of the following things, that is to say,—

(*a*) to photograph any worker, to inspect, examine, measure, copy, photograph, sketch or test, as the case may be, any building or room, any plant, machinery, appliance or apparatus, any register or document, or anything provided for the purpose of securing the health, safety or welfare of the workers employed in a factory;

(*b*) in the case of an Inspector who is a duly qualified medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under the Act;

(c) To prosecute, conduct or defend before a Court any complaint or other proceeding arising under the Act or in discharge of his duties as an Inspector;

(d) To satisfy himself at each inspection that—

(i) the provisions of the Act and of these rules regarding the health and safety of the workers employed in the factory are observed;

(ii) the adolescents and children employed in the factory have been granted certificates of fitness and that no adolescent or child is employed who is obviously unfit;

(iii) the Register of all workers employed in such factory, of their hours of work and the nature of their employment is in the prescribed form;

(iv) the periods of rest and the holidays provided by the Act are granted, and that the limits of hours of work laid down therein are not exceeded

(v) the provisions of Section 59 and of the Rules relating to the payment of overtime are duly observed in factories exempted from the provisions of Section 51 or 54; and

(vi) the notices required by Sections 61 and 72 and the abstracts required by Section 108 are duly affixed and that the Registers required by these Rules are properly maintained;

(e) To enquire into the causes of all accidents that have occurred since the last inspection;

(f) To note how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with;

(g) To point out all such defects or irregularities as he may have observed and to give orders for their remedy or removal; and to record and hand over to the manager a sufficient summary of the defects or irregularities and of his orders.

(2) The Inspector shall keep a file of the records of his inspection in Form No. 35.

(3) Every order passed under the Act and these Rules shall be served on the manager of the factory—

(a) By delivering a copy of it to him personally or at his office, or

(b) By Registered Post:

Provided that the powers of the District Magistrates and such other public officers as are appointed to be

additional Inspectors shall be limited to the inspection of factories in respect of the following matters, namely :—

Cleanliness (Section 11), Over-crowding (Section 16), Lighting (Section 17), Drinking water (Section 18), Latrines and Urinals (Section 19), Spittoons (Section 20), Precautions in the case of fire (Section 38), Welfare (Chapter V), Working hours of adults (Chapter VI except the power of exemption under the proviso to Section 62), Employment of young persons (Chapter VII), Leave with wages (Chapter VIII) and Display of notices (Section 108).

Rule prescribed under sub-section (4) of Section 10.

14. *Duties of Certifying Surgeon.*—(1) For purposes of the examination and certification of young persons who wish to obtain certificates of fitness, the Certifying Surgeon shall arrange a suitable time and place for the attendance of such persons, and shall give previous notice in writing of such arrangements to the managers of factories situated within the local limits assigned to him.

(2) (*a*) The Certifying Surgeon shall issue his certificates in Form No. 5. The foil and counterfoil shall be filled in and the left thumb mark of the person in whose name the certificate is granted shall be taken on them. On being satisfied as to the correctness of the entries made therein and of the fitness of the person examined, he shall sign the foil and initial the counterfoil and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate of fitness granted under Section 69. All counterfoils shall be kept by the Certifying Surgeon for a period of at least two years after the issue of the certificate.

(*b*) A Certifying Surgeon revoking a certificate under sub-section 4 of Section 69 shall write the word "Revoked" in red ink on the foil and counterfoil.

(3) Any authority granted by a Certifying Surgeon under sub-section (2) of Section 10 to a qualified Medical Practitioner (hereinafter referred to as the Examining Surgeon) to exercise the powers of the Certifying Surgeon under the Act shall be made in writing and shall state the factories or area to which the jurisdiction of the Examining Surgeon is limited, and any cancellation of such authority shall be made by Certifying Surgeon in writing.

(4) An Examining Surgeon shall grant and revoke certificate in the manner provided in sub-rule 2. The

word "Provisional" shall be printed or stamped in red ink at the top of each foil and counterfoil.

(5) (*a*) A person who loses a certificate of fitness which has been granted to him may apply to the Surgeon who granted it for a copy of the certificate and the said Surgeon after making such enquiry from such persons' employer (or if such person is unemployed, from his last employer) and from such other sources as he deems fit may grant a duplicate of the lost certificate. The word "duplicate" shall be clearly written in red ink across such duplicate certificate and initialled by the said Surgeon. The counterfoil in the bound book of forms shall be similarly marked "Duplicate" and initialled.

(*b*) For every copy of a duplicate certificate granted under clause (*a*), a fee of eight annas shall be charged, which shall be credited to Government. The Certifying Surgeon or Examining Surgeon shall maintain a Register in Form No. 33 of all fees paid for the issue of duplicate certificates and shall initial each entry therein.

(*c*) No duplicate of a certificate shall be granted to any person otherwise than in accordance with the provisions of this sub-rule.

(6) (*a*) The Certifying Surgeon shall visit every factory within the local limit for which he is appointed, in which adolescents or children are known to be employed, at least once in three months, and shall give previous notice to the Manager of the factory concerned of his visit. At each of these visits the Manager shall produce before him at such time as the Certifying Surgeon may fix, all adolescents and children employed in the factory, whether actually at work or not, who are in possession of provisional certificate of fitness.

(*b*) The Certifying Surgeon shall personally examine every adolescent and child who is in possession of a "Provisional Certificate" granted under sub-rule (4) and shall, if satisfied that a certificate of fitness should be granted, destroy the provisional certificate and issue his own certificate of fitness in place of it.

(*c*) If on such examination the Certifying Surgeon is of opinion that a person in possession of a child's provisional certificate of fitness is under the age of 14 years or is not fit for employment as a child in a factory, or that a person in possession of an adult's "Provisional Certificate" of fitness is less than 15 years of age or is unfit to work as

an adult, he shall impound the certificate, write on it the word "Cancelled" and sign the same and shall forward the certificate with such remarks, if any, as he may offer to the Inspector of Factories for information, and inform the Examining Surgeon who granted such provisional certificate.

(7) If the Certifying Surgeon refuses to grant any person a certificate of fitness, or if he cancels a provisional certificate of fitness, no fresh application for a certificate for such person shall be entertained until after the lapse of three months from the date of such refusal, unless the Certifying Surgeon otherwise gives permission in writing at the time of refusing to grant the certificate or at the time of cancelling provisional certificate:

Provided that this sub-rule shall not prevent the immediate granting of a certificate of fitness as a child to a person whose certificate of fitness as an adult has been revoked under clause (c) of sub-rule (6), if in the opinion of the Certifying Surgeon such person is of age and fit to work in a factory as a child.

(8) The Certifying Surgeon or the Examining Surgeon, as the case may be, at his periodical visits shall satisfy himself as to the fitness of all the adolescents and children employed in the factory and shall revoke the certificate of fitness of any whom he deems to be unfit.

(9) The Certifying Surgeon and the Examining Surgeon shall hand over to the Manager a note in form No. 34 detailing the result of each visit to the factory.

(10) The Certifying Surgeon shall, upon request by the Chief Inspector, carry out such examination and furnish him with such report as he may indicate, for any factory or class or description of factories where—

(*a*) cases of illness have occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on, or other conditions of work prevailing therein, or

(*b*) by reason of any change in the manufacturing process carried on, or in the substances used therein or by reason of the adoption of any new manufacturing process or of any new substance for use in the manufacturing process, there is a likelihood of injury to the health of workers employed in that manufacturing process, or

(*c*) young persons are about to be employed in any work which is likely to cause injury to their health.

(11) For the purpose of the examination of persons employed in processes covered by the Rules relating to dangerous operations, the Certifying Surgeon shall visit the factories within the local limits assigned to him at such intervals as are prescribed by the Rules relating to such dangerous operations.

(12) At such visits the Certifying Surgeon shall examine the persons employed in such processes and shall record the results of each examination in a Register known as the Health Register (Form No.....) which shall be kept by the factory manager and produced to the Certifying Surgeon at each visit.

(13) If the Certifying Surgeon finds as a result of his examination that any person employed in such process is no longer fit for medical reasons to work in that process, he shall suspend that person from working in that process for such time as he may think fit and no person after suspension shall be employed in that process without the written sanction of the Certifying Surgeon in the Health Register.

(14) The Manager of a factory shall afford to the Certifying Surgeon facilities to inspect any process in which any person is employed or is likely to be employed.

(15) The Manager of a factory shall provide for the purpose of any medical examination which the Certifying Surgeon wishes to conduct at the factory (for his exclusive use on the occasion of an examination) a room which shall be properly cleaned and adequately ventilated and lighted and furnished with a screen, a table (with writing materials) and chairs.

CHAPTER III.

HEALTH.

Exemptions under sub-section (2) of Section 11.

15. *Cleanliness of walls and ceilings.*—(1) Clause (*d*) of sub-section (1) of Section 11 of the Act shall not apply to the class or description of factories or parts of factories specified in the Schedule hereto:

Provided that they are kept in a clean state by washing, sweeping, brushing, dusting, vacuum-cleaning or other effective means:

Provided further that the said clause (*d*) shall continue to apply—

(i) as respects factories or parts of factories specified in Part A of the said Schedule, to work-rooms in which the amount of cubic space allowed for every person employed in the room is less than 500 cubic feet;

(ii) as respects factories or parts of factories specified in Part B of the said Schedule, to work-rooms in which the amount of cubic space allowed for every person employed in the room is less than 2,500 cubic feet;

(iii) to engine houses, fitting shops, lunch rooms, canteens, shelters, creches, cloak rooms, rest rooms and wash places; and

(iv) to such parts of walls, sides and tops of passages and staircases as are less than 20 feet above the floor or stair.

(2) If it appears to the Chief Inspector that any part of a factory, to which by virtue of sub-rule (1) any of the provisions of the said clause (*d*) do not apply, or apply as varied by sub-rule (*l*), is not being kept in a clean state, he may by written notice require the occupier to white-wash or colour-wash, wash, paint or varnish the same, and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, sub-rule (1) shall cease to apply to such part of a factory, unless the Chief Inspector otherwise determines.

SCHEDULE.

Part A.

Blast furnaces.

Brick and tile works in which unglazed bricks or tiles are made.

Cement works.

Chemical works.

Copper mills.

Gas works.

Iron and Steel mills.

Stone, slate and marble works.

The following parts of factories :—

Rooms used only for the storage of articles.

Rooms in which the walls or ceilings consist of galvanised iron, glazed bricks, glass, slate, asbestos, bamboo, thatch.

Parts in which dense steam is continuously evolved in the process.

Parts in which pitch, tar or like material is manufactured or is used to a substantial extent, except in brush works. The parts of a glass factory known as the glass house. Rooms in which graphite is manufactured or is used to a substantial extent in any process.

Parts in which coal, coke, oxide of iron, ochre, lime or stone is crushed or ground.

Parts of walls, partitions, ceilings or tops of rooms which are at least 20 feet above the floor.

Ceilings or tops of rooms in print works, bleach works or dye works, with the exception of finishing rooms or warehouses.

Inside walls of oil mills below a height of 5 feet from the ground floor level.

Inside walls in tanneries below a height of 5 feet from the ground floor level where a wet process is carried on

PART B.

Coach and motor body works.

Electric generating or transforming stations.

Engineering works.

Factories in which sugar is refined or manufactured.

Foundries other than foundries in which brass casting is carried on.

Those parts of factories where unpainted or unvarnished wood is manufactured.

16. *Record of white-washing, etc.*—The record of dates on which white-washing, colour-washing, varnishing etc., are carried out shall be entered in a Register maintained in Form No. 7.

Register prescribed under sub-section (1) of Section 11.

17. *Disposal of trade wastes and effluents.*—(1) In the case of a factory where the drainage system is proposed to be connected to the public sewerage system, prior approval of the arrangements made shall be obtained from the local authority.

Rule prescribed under sub-section (2) of Section 12.

(2) In the case of a factory situated in a place where no public sewerage system exists, prior approval of the arrangements made for the disposal of trade-wastes and effluents shall be obtained from the Public Health Authorities or such authority as the Provincial Government may appoint in this behalf.

Rules 18 to 28 prescribed under sub-section 1 of Section 15.

18. *When artificial humidification not allowed.*—There shall be no artificial humidification in any room of a cotton spinning or weaving factory,—

(*a*) by the use of steam during any period when the dry bulb temperature of that room exceeds 85 degrees;

(*b*) at any time when the wet bulb reading of the hygrometer is higher than that specified in the following Schedule in relation to the dry bulb reading of the hygrometer at that time; or as regards a dry bulb reading intermediate between any two dry bulb readings indicated consecutively in the Schedule when the dry bulb reading does not exceed the wet bulb reading to the extent indicated in relation to the lower of these two dry bulb readings:—

SCHEDULE.

Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb
60·0	58·0	77·0	75·0	94·0	86·0
61·0	59·0	78·0	76·0	95·0	87·0
62·0	60·0	79·0	77·0	96·0	87·5
63·0	61·0	80·0	78·0	97·0	88·0
64·0	62·0	81·0	79·0	98·0	88·5
65·0	63·0	82·0	80·0	99·0	89·0
66·0	64·0	83·0	80·5	100·0	89·5
67·0	65·0	84·0	81·0	101·0	90·0
68·0	66·0	85·0	82·0	102·0	90·0
69·0	67·0	86·0	82·5	103·0	90·5
70·0	68·0	87·0	83·0	104·0	90·5
71·0	69·0	88·0	83·5	105·0	91·0
72·0	70·0	89·0	84·0	106·0	91·0
73·0	71·0	90·0	84·5	107·0	91·5
74·0	72·0	91·0	85·0	108·0	91·5
75·0	73·0	92·0	85·5	109·0	92·0
76·0	74·0	93·0	86·0	110·0	92·0

Provided, however, that clause (*b*) shall not apply when the difference between the wet bulb temperature as indicated by the hygrometer in the department concerned and the wet bulb temperature taken with a hygrometer outside in the shade is less than 3·5 degrees.

19. *Provision of Hygrometer.*—In all departments of cotton spinning and weaving mills wherein artificial humidification is adopted, hygrometers shall be provided and maintained in such positions as are approved by the Inspector. The number of hygrometers shall be regulated according to the following scale :—

(*a*) *Weaving department.*—One hygrometer for departments with less than 500 looms, and one additional hygrometer for every 500 or part of 500 looms in excess of 500.

(*b*) *Other departments.*—One hygrometer for each room of less than 300,000 cubic feet capacity and one extra hygrometer for each 200,000 cubic feet or part thereof, in excess of this.

(*c*) One additional hygrometer shall be provided and maintained outside each cotton spinning and weaving factory wherein artificial humidification is adopted, and in a position approved by the Inspector, for taking hygrometer shade readings.

20. *Exemption from maintenance of hygrometers.*—When the Inspector is satisfied that the limits of humidity allowed by the Schedule to Rule 18 are never exceeded, he may, for any department other than the weaving department, grant exemption from the maintenance of the hygrometer. The Inspector shall record such exemption in writing.

21. *Copy of Schedule to Rule 18 to be affixed near every hygrometer.*—A legible copy of the Schedule to Rule 18 shall be affixed near each hygrometer.

22. *Temperature to be recorded at each hygrometer.*—At each hygrometer maintained in accordance with Rule 19, correct wet and dry bulb temperatures shall be recorded thrice daily during each working day by competent persons nominated by the Manager and approved by the Inspector. The temperature shall be taken between 7 a.m. and 9 a.m., between 11 a.m. and 2. p.m. (but not in the rest interval) and between 4 p.m. and 5-30 p.m. In exceptional circumstances, such additional readings

and between such hours, as the Inspector may specify, shall be taken. The temperatures shall be entered in a Humidity Register in the prescribed Form No. 6, maintained in the factory. At the end of each month, the persons who have taken the readings shall sign the Register and certify the correctness of the entries. The Register shall always be available for inspection by the Inspector.

23. *Specifications of hygrometer.*—(1) Each hygrometer shall comprise two mercurial thermometers of wet bulb and dry bulb of similar construction, and equal in dimensions, scale and divisions of scale. They shall be mounted on a frame with a suitable reservoir containing water.

(2) The wet bulb shall be closely covered with a single layer of muslin, kept wet by means of a wick attached to it and dropping into the water in the reservoir. The muslin covering and the wick shall be suitable for the purpose, clean and free from size or grease.

(3) No part of the wet bulb shall be within 3 inches from the dry bulb or less than 1 inch from the surface of the water in the reservoir and the water reservoir shall be below it, on the side of it away from the dry bulb.

(4) The bulb shall be spherical and of suitable dimensions and shall be freely exposed on all sides to the air of the room.

(5) The bores of the stems shall be such that the position of the top of the mercury column shall be readily distinguishable at a distance of 2 feet.

(6) Each thermometer shall be graduated so that accurate readings may be taken between 50 and 120 degrees.

(7) Every degree from 50 degrees up to 120 degrees shall be clearly marked by horizontal lines on the stem, each fifth and tenth degree shall be marked by longer marks than the intermediate degrees and the temperature marked opposite each tenth degree, *i.e.*, 50, 60, 70, 80, 90, 100, 110 and 120.

(8) The markings as above shall be accurate, that is to say, at no temperature between 50 and 120 degrees shall the indicated readings be in error by more than two-tenths of a degree.

(9) A distinctive number shall be indelibly marked upon the thermometer.

(10) The accuracy of each thermometer shall be certified by the National Physical Laboratory, London, or some competent authority appointed by the Chief Inspector and such certificate shall be attached to the Humidity Register.

24. *Thermometers to be maintained in efficient order.*—Each thermometer shall be maintained at all times during the period of employment in efficient working order, so as to give accurate indications and in particular—

(*a*) the wick and the muslin covering of the wet bulb shall be renewed once a week;

(*b*) the reservoir shall be filled with water which shall be completely renewed once a day. The Chief Inspector may direct the use of distilled water or pure rain water in any particular mill or mills in certain localities;

(*c*) no water shall be applied directly to the wick or covering during the period of employment.

25. *An inaccurate thermometer not to be used without fresh certificate.*—If an Inspector gives notice in writing that a thermometer is not accurate, it shall not, after one month from the date of such notice, be deemed to be accurate unless and until it has been re-examined as prescribed and a fresh certificate obtained which certificate shall be kept attached to the Humidity Register.

26. *Hygrometer not to be affixed to wall, etc., unless protected by wood.*—(1) No hygrometer shall be affixed to a wall, pillar, or other surface unless protected therefrom by wood or other non-conducting material at least half an inch in thickness and distant at least one inch from the bulb of each thermometer.

(2) No hygrometer shall be fixed at a height of more than 5 feet 6 inches from the floor to the top of thermometer stem or in the direct draughts from a fan, window, or ventilating opening.

27. *No reading to be taken within 15 minutes of renewal of water.*—No reading shall be taken for record on any hygrometer within 15 minutes of the renewal of water in the reservoir.

28. *How to introduce steam for humidification.*—In any room in which steam pipes are used for the introduction

of steam for the purpose of artificial humidification of the air the following provisions shall apply—

(*a*) The diameter of such pipes shall not exceed two inches and in the case of pipes installed after 1st day of January 1949 the diameter shall not exceed one inch.

(*b*) Such pipes shall be as short as is reasonably practicable.

(*c*) All hangers supporting such pipes shall be separated from the bare pipes by an efficient insulator not less than half an inch in thickness.

(*d*) No uncovered jet from such pipe shall project more than 4½ inches beyond the outer surface of any cover.

(*e*) The steam pressure shall be as low as practicable and shall not exceed 70 lbs. per square inch.

(*f*) The pipe employed for the introduction of steam into the air in a department shall be effectively covered with such non-conducting material, as may be approved by the Inspector in order to minimise the amount of heat radiated by them into the department.

Rules 29 to 33 prescribed under sub-section (4) of Section 17.

29. *Artificial Lighting—Application and commencement.*—(1) Subject as in these Rules provided, Rules 29 to 33 shall apply to factories in which persons are being regularly employed in a manufacturing process or processes for more than 48 hours a week, or in shifts, provided that nothing in these Rules shall be deemed to require the provision of lighting of a specified standard in any building or structure so constructed that, in the opinion of the Chief Inspector, it would not be reasonably practicable to comply with such requirement.

30. *Lighting of interior parts.*—(1) The general illumination over those interior parts of a factory where persons are regularly employed shall be not less than 3 foot candles measured in the horizontal plane at a level of 3 feet above the floor:

Provided that in any such parts in which the mounting height of the light source for general illumination necessarily exceeds 25 feet measured from the floor or where the structure of the room or the position or construction of the fixed machinery or plant prevents the uniform attainment of this standard, the general illumination at the said level shall be not less than 1 foot candle and

where work is actually being done the illumination shall not be less than 3 foot candles.

(2) The illumination, over all other interior parts of the factory over which persons employed pass shall, when and where a person is passing, be not less than 0·5 foot candles at floor level.

(3) The standard specified in this Rule shall be without prejudice to the provision of any additional illumination required to render the lighting sufficient and suitable for the nature of the work.

31. *Prevention of glare.*—*A*(1) Where any source of artificial light in the factory is less than 16 feet above floor level, no part of the light source or of the lighting fitting having a brightness greater than 10 candles per square inch shall be visible to persons whilst normally employed within 100 feet of the source, except where the angle of elevation from the eye to the source or part of the fitting as the case may be exceeds 20°.

General Ventilation.—*B*(1) In every room in a factory in which workers are ordinarily employed and which is not ventilated by mechanical means, there shall be sufficient openings in the walls or roof for the admission or egress of air to maintain the atmosphere in the room in a fresh and reasonably cool condition.

(2) If in any part of a factory the Inspector, having due regard to weather conditions then prevailing, considers the atmosphere to be unduly vitiated or stagnant and that this is due to insufficient openings, he shall by written order require the manager to—

(*a*) increase the openings in the walls or in the roof to an aggregate area equal to 75 per cent of the area found by the applicable *formula* in Appendix I or to such less extent as he deems reasonable in the circumstances, or

(*b*) provide mechanical means to produce a continuous change of air at the rate of three complete changes in the hour or at such less rate as he deems sufficient in the circumstances.

C. Measures required for cooling.—If in any room of a factory the cooling properties of the air appear to the Chief Inspector to be at times insufficient to secure workers against injury to health or serious discomfort and he considers that they can be to a great extent increased at a reasonable cost he may, by written order, require the

manager to carry out any or all of the following measures before a specified date:—

(*a*) Electric or other fans to be used to produce adequate movement of air over the workers. The Chief Inspector may require such movement to be such that the rate of cooling by evaporation at a height of five feet from the floor level, as found by the use of a kata thermometer, is two and a half times what it would be if the air were not moved by such fans.

(*b*) The height of the room from floor to roof or ceiling to be increased to a height of 18 feet or such less height as the Chief Inspector deems reasonable in the circumstances.

(*c*) A layer of tiles, wood or other substance which is bad conductor of heat to be added to the roof or substituted for other materials.

(*d*) Sun shades of specified size to be placed before or fitted to such openings as admit direct sunlight upon the workers.

D. Ventilation in new factories or rooms.—In any factory or part of a factory which has been built or brought into use after the enforcement of these rules, no worker shall be allowed to work unless—

(*a*) if no mechanical means of general ventilation is employed, the ventilating openings in every room where workers are ordinarily employed are of not less aggregate area than that found from the applicable *formulæ* in Appendix I, or

(*b*) if the ventilation is by mechanical power, the fans or other means employed are of such capacity as to pass through the room three times in every hour a volume of air equal to the cubic capacity of the room,

(*c*) where no other room is superimposed, the roof or ceiling if there is one is either more than 20 feet above floor level or in the alternative includes a sufficient layer of earthenware tiles, wood, compressed asbestos or other substance which is a bad conductor of heat, or is constructed with an air space not less than six inches in depth open to the atmosphere at the eaves and in the case of sloping roofs, having sufficient egress for hot air at the apex:

Provided that where the Chief Inspector is satisfied that the rule may be relaxed with due regard to the health of the workers employed, he may by an order in writing exempt the factory or a specified part of it from the provisions of this rule to such extent and on such conditions as he considers suitable in the circumstances.

(2) Any local light, that is to say, an artificial light designed to illuminate particularly the area or part of the area of work of a single operative or small group of operatives working near each other, shall be provided with a suitable shade of opaque material to prevent glare or with other effective means by which the light source is completely screened from the eyes of every person employed at a normal working place, or shall be so placed that no such person is exposed to glare therefrom.

32. *Power of Chief Inspector to exempt.*—Where the Chief Inspector is satisfied in respect of any particular factory or part thereof or in respect of any description of workroom or process that any requirement of these Rules is inappropriate or is not reasonably practicable, he may by order in writing exempt the factory or part thereof, or description of workroom or process from such requirement to such extent and subject to such conditions as he may specify.

33. *Exemption from Rule 30.*—(1) Nothing in Rule 30 shall apply to the parts of factories specified in Part I of the Schedule annexed hereto.

(2) Nothing in sub-rule (1) of Rule 30 shall apply to the factories or parts of factories respectively specified in Part II of the said Schedule.

SCHEDULE

Part I

Parts of factories in which light sensitive photographic materials are made or used in an exposed condition.

Part II.

Cement works.
Works for the crushing and grinding of limestone.
Gas works.
Coke oven works.

Electrical stations.
Flour mills.
Malting and breweries.

Parts of factories in which the following processes are carried on :

Concrete or artificial stone making.
Conversion of iron into steel.
Smelting of iron ore.
Iron or steel rolling.
Hot rolling or forging, tempering or annealing of metals.
Glass blowing and other working in molten glass.
Tar distilling.
Petroleum refining and blending.

Rules 34 to 39 prescribed under sub-section (4) of Section 18.

34. *Quantity of drinking water.*—The quantity of drinking water to be provided for the workers in every factory shall be at least as many gallons a day as there are workers employed in the factory and such drinking water shall be readily available at all times during working hours.

35. *Source of supply.*—The water provided for drinking shall be supplied—

(*a*) from the taps connected with a public water supply system, or

(*b*) from any other source approved in writing by the Health Officer.

36. *Storage of water.*—If drinking water is not supplied from taps connected with a public water supply system it shall be kept in suitable vessels and renewed at least daily. All practicable steps shall be taken to preserve the water and vessels from contamination and to keep the vessels scrupulously clean.

37. *Cleanliness of well or reservoir.*—(1) Drinking water shall not be supplied from any open well or reservoir unless it is so constructed, situated, protected and maintained as to be free from the possibility of pollution by chemical, or bacterial and extraneous impurities.

(2) Where drinking water is supplied from such well or reservoir the water in it shall be sterilised once a week or more frequently if the Inspector by written order so requires and the date on which sterilising is carried out shall be recorded :

Provided that this requirement shall not apply to any such well or reservoir if the water therein is filtered and

treated to the satisfaction of the Health Officer before it is supplied for consumption.

38. *Report from Health Officer.*—The Inspector may by order in writing direct the Manager to obtain, at such time or at such intervals as he may direct, a report from the Health Officer as to the fitness for human consumption of the water supplied to the workers, and in every case to submit to the Inspector a copy of such report as soon as it is received from the Health Officer.

39. *Cooling of water.*—In every factory wherein more than two hundred and fifty workers are ordinarily employed—

(*a*) the drinking water supplied to the workers shall from the 1st February to the 3rd July in every year, be cooled by ice or other effective method:

Provided that if ice is placed in the drinking water, the ice shall be clean and wholesome and shall be obtained only from a source approved in writing by the Health Officer;

(*b*) the cooled drinking water shall be supplied in every canteen, lunch-room and rest-room, and also at conveniently accessible points throughout the factory which for the purpose of these Rules shall be called "water centres";

(*c*) the water centres shall be sheltered from the weather and adequately drained.

(*d*) the number of water centres to be provided shall be one "centre" for every 150 persons employed at any one time in the factory:

Provided that in the case of a factory where the number of persons employed exceeds 500, it shall be sufficient if there is one such "centre" as aforesaid for every 150 persons up to the first 500 and one for every 500 persons thereafter;

(*e*) every water centre shall be maintained in a clean and orderly condition and shall be in charge of a suitable person who shall distribute the water. Such person shall be provided with clean clothes while on duty.

Clauses (*a*), (*d*) and (*e*) shall not apply to any factory in which suitable, mechanically operated drinking water refrigerating units are installed to the satisfaction of the Chief Inspector.

Rules 40 to 49 prescribed under sub-section 3 of Section 19.

40. *Latrine Accommodation.*—Latrine accommodation shall be provided in every factory on the following scale :—

(*a*) where females are employed, there shall be at least one latrine for every 25 females ;

(*b*) where males are employed, there shall be at least one latrine for evey 25 males; provided that, where the number of males employed exceeds 100, it shall be sufficient if there is one latrine for every 25 males up to the first 100, and one for every 50 thereafter.

In calculating the number of latrines required under this Rule, any odd number of workers less than 25 or 50, as the case may be, shall be reckoned as 25 or 50.

41. *Latrines to conform to public health requirements.*—Latrines, other than those connected with an efficient water-borne sewage system, sh all comply with the requirements of the Public Health A uthorities.

42. *Privacy of latrines.*—Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.

43. *Sign boards to be displayed.*—Where workers of both sexes are employed, there shall be displayed outside each latrine block a notice in the language understood by the majority of the workers "For Men Only" or "For Women Only" as the case may be. The notice shall also bear the figure of a man or of a woman as the case may be.

44. *Urinal accommodation.*— Urinal accommodation shall be provided for the use of male workers and shall not be less than 2 feet in length for every 50 males provided that where the number of males employed exceeds 500, it shall be sufficient if there is one urinal for every 50 males up to the first 500 employed, and one for every, 100 thereafter.

In calculating the urinal accommodation required under this Rule any odd number of workers less than 50 or 100, as the case may be, shall be reckoned as 50 or 100.

45. *Urinals to conform to public health requirements.*—Urinals, other than those connected with an efficient water-borne sewage system, and urinals in a factory wherein more than two hundred and fifty workers are

ordinarily employed shall comply with the requirements of the Public Health Authorities.

46. *Certain latrines and urinals to be connected to sewerage system.*—(1) When any general system of underground sewerage with an assured water supply for any particular locality is provided in a municipality, all latrines and urinals of a factory situated in such locality shall, if the factory is situated within 100 feet of an existing sewer, be connected with that sewerage system.

(2) No worker shall make use of any other place within the factory as latrine or urinal, other than the latrines and the urinal accommodation provided under these rules.

(3) The design and the site or situation of latrines and urinal accommodation shall be subject to the approval of the Director of Public Health and the construction shall be subject to the approval of the Chief Inspector.

(4) They shall be situated, unless otherwise approved in writing by the Inspector, within the factory precincts and so located that (*a*) every worker may have ready access thereto and (*b*) no effluvia therefrom can arise within a workroom.

47. *White-washing, colour-washing of latrines and urinals.*—The walls, ceilings and partitions of every latrine and urinal shall be white-washed or colour-washed and the white-washing or colour-washing shall be repeated at least once in every period of four months. The dates on which the white-washing or colour-washing is carried out shall be entered in the prescribed Register (Form No. 7):

Provided that this Rule shall not apply to latrines and urinals, the walls, ceilings or partitions of which are laid in glazed tiles or otherwise finished to provide a smooth, polished impervious surface and that they are washed with suitable detergents and disinfectants at least once in every period of four months.

48. *Construction and maintenance of drains.*—All drains carrying waste or sullage water shall be constructed in masonry or other impermeable material and shall be regularly flushed and the effluent disposed of by connecting such drains with a suitable drainage line:

Provided that, where there is no such drainage line, the effluent shall be deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of the Health Officer.

49. *Water taps in latrines.*—Where piped water supply is available a sufficient number of water taps, conveniently accessible shall be provided in or near such latrine accommodation.

Rules 50 to 52 prescribed under sub-section (2) of Section 20.

50. *Number and location of spittoons.*—The number and location of the spittoons to be provided shall be to the satisfaction of the Inspector.

51. *Type of spittoons.*—The spittoons shall be of either of the following types :—

(*a*) a galvanized iron container with a conical funnel shaped cover. A layer of suitable disinfectant liquid shall always be maintained in the container ;

(*b*) a container filled with dry, clean sand, and covered with a layer of bleaching powder ;

(*c*) any other type approved by the Chief Inspector.

52. *Cleaning of spittoons.*—The spittoon mentioned in clause (*a*) of Rule 51 shall be emptied, cleaned and disinfected at least once every day ; and the spittoon mentioned in Clause (*b*) of Rule 51 shall be cleaned by scrapping out of the top layer of sand as often as necessary or at least once every day.

CHAPTER IV

SAFETY.

Further precautions prescribed under sub-section (2) of Section 21.

53. *Further safety precautions.*—(1) Without prejudice to the provisions of sub-section (1) of Section 21 in regard to the fencing of machines, the further precautions specified in the schedules annexed hereto shall apply to the machines noted in each Schedule.

SCHEDULE I

(COTTON TEXTILES.)

1. *Cotton Openers, Scutchers, Combined Openers and Scutchers, Scutcher and Lap Machines, Hard Waste Breakers, etc.*—(1) All Cotton Openers, Scutchers, Combined Openers and Scutchers, Scutcher and Lap Machines, Hard Waste Breakers and similar machines shall be driven by separate motors or from counter shafts provided with fast and loose pulleys and efficient belt shifting devices.

(2) In all Openers, Combined Openers and Scutchers, Scutchers, Scutcher-lap machines, Hard Waste Breakers and similar machines the beater covers and doors which give access to any dangerous part of the machine shall be fitted with effective interlocking arrangements which shall prevent—

(*a*) the covers and doors being opened while the machine is in motion; and

(*b*) the machine being re-started until the covers and doors are closed:

Provided that in respect of doors of openings, other than dirt doors or desk doors such openings shall be so fenced as to prevent access to any dangerous parts of the machine if effective inter-locking arrangement is not provided.

(3) In all Openers, Combined Openers and Scutchers, Scutchers, Scutcher-lap machines, Hard Waste Breakers and similar machines, the openings giving access to the dust chamber shall be provided with permanently fixed fencing, which shall, while admitting light, yet prevent contact between any portion of a worker's body and the beater grid bars.

2. *Combined Openers and Scutchers, Scutchers, Scutcher-lap, Sliverlap Lap Machines, Derby Doublers and Ribbon Machines.*—(1) The lap forming rollers shall be fitted with a guard or cover which shall prevent access to the intake of the lap roller and fluted roller as long as the weighted rack is down; or

(2) The guard or cover shall be so locked that it cannot be raised until the machine is stopped and the machine cannot be started until the guard or cover is closed.

3. *Carding Machines.*—All cylinder doors shall be secured by an automatic locking device which shall prevent the door being opened until the cylinder has ceased to revolve and shall render it impossible to restart the machine until the door has been closed.

4. *Speed Frames.*—Headstocks shall be fitted with automatic locking arrangements which shall prevent the doors giving access to jack box wheels being opened while the machinery is in motion and shall render it impossible to restart the machine until the doors have been closed.

5. *Self-acting Mules.*—The drive shall be from countershafts which shall be provided with fast and loose pulleys and efficient belt shifting devices.

6. *Calendering Machines, etc.*—In respect of calendering machines, mangles and similar machines, all such machines shall be provided with an efficient "nip" guard along the whole length on the intake side of each pair of bowls and similar parts, which shall be so fitted and maintained, whilst the rollers of bowls are in motion, as to prevent access to the point of contact of the rollers or bowls.

SCHEDULE II

(COTTON GINNING).

Line Shaft.—The line shaft or second motion in cotton ginning factories, when below floor level, shall be completely enclosed by a continuous wall or unclimbable fencing with only so many openings as are necessary for access to the shaft for removing cotton seed, cleaning and oiling; and such openings shall be provided with gates or doors which shall be kept closed and locked.

SCHEDULE III.

(Wood Working Machinery)

1. *Definitions.*—For the purposes of this Schedule :—

(*a*) Wood-working machine means a circular saw, band saw, planing machine, chain mortising machine or verticle spindle moulding machine operating on wood or cork.

(*b*) Circular saw means a circular saw working in a bench (including a rack bench) but does not include a pendulum or similar saw which is moved towards the wood for the purpose of cutting operation.

(*c*) Band saw means a band saw, the cutting portion of which runs in a vertical direction but does not include a log saw or band re-sawing machine.

(*d*) Planing machine means a machine for overhand planing or for thicknessing or for both operations.

2. *Stopping and Starting device.*—An efficient stopping and starting device shall be provided and on every wood-working machine. The control of this device shall be in such a position as to be readily and conveniently operated by the person in charge of the machine.

3. *Space around machines.*—The space surrounding every wood-working machine in motion shall be kept free from obstruction.

4. *Floors.*—The floor surrounding every wood-working machine shall be maintained in good and level condition, and shall not be allowed to become slippery, and as far as practicable shall be kept free from chips or other loose material.

5. *Training and supervision.*—(1) No person shall be employed at a wood-working machine unless he has been sufficiently trained to work that class of machine, or unless he works under the adequate supervision of a person who has a thorough knowledge of the working of the machine.

(2) A person who is being trained to work a wood working machine shall be fully and carefully instructed as to the dangers of the machine and the precautions to be observed to secure safe working of the machine.

6. *Circular Saws.*—Every circular saw shall be fenced as follows :—

(*a*) Behind and in direct line with the saw there shall be a riving knife, which shall have a smooth surface, shall be strong, rigid and easily adjustable, and shall also conform to the following conditions :—

(i) The edge of the knife nearer the saw shall form an arc of a circle having a radius not exceeding the radius of the largest saw used on the bench.

(ii) The knife shall be maintained as close as practicable to the saw, having regard to the nature of the work being done at the time, and at the level of the bench table the distance between the front edge of the knife and the teeth of the saw shall not exceed half an inch.

(iii) For a saw of a diameter of less than 24 inches, the knife shall extend upwards from the bench table to within one inch of the top of the saw, and for a saw of a diameter of 24 inches or over shall extend upwards from the bench table to a height of at least nine inches.

(*b*) The top of the saw shall be covered by a strong and easily adjustable guard, with a flange at the side of the saw, farthest from the fence. The guard shall be kept so adjusted that the said flange shall extend below the roots of the teeth of the saw. The guard shall extend from the top of the riving knife to a point as low as practicable at the cutting edge of the saw.

(*c*) The part of the saw below the bench table shall be protected by two plates of metal or other suitable material one on each side of the saw ; such plates shall not be more than six inches apart, and shall extend from the axis of the saw outwards to a distance of not less than two inches beyond the teeth of the saw. Metal plates, if not beaded, shall be of a thickness of at least 1/10 inch or if beaded be of a thickness of at least 1/20 inch.

7. *Push sticks.*—A push stick or other suitable appliance shall be provided for use at every circular saw and at every vertical spindle moulding machine to enable the work to be done without unnecessary risk.

8. *Band Saws.*—Every band saw shall be guarded as follows:—

(*a*) Both sides of the bottom pulley shall be completely encased by sheet or expanded metal or other suitable material.

(b) The front of the top pulley shall be covered with sheet or expanded metal or other suitable material.

(c) All portions of the blade shall be enclosed or otherwise securely guarded except the portion of the blade between the bench table and the top guide.

9. *Planing Machines.*—(1) A planing machine (other than a planing machine which is mechanically fed) shall not be used for overhand planing unless it is fitted with a cylindrical cutter block.

(2) Every planing machine used for overhand planing shall be provided with a " bridge " guard capable of covering the full length and breadth of the cutting slot in the bench and so constructed as to be easily adjusted both in a vertical and horizontal direction.

(3) The feed roller of every planing machine used for thicknessing, except the combined machine for overhand planing and thicknessing shall be provided with an efficient guard.

10. *Vertical spindle moulding machines.*—(1) The cutter of every vertical spindle moulding machine shall be guarded by the most efficient guard having regard to the nature of the work being performed.

(2) The wood being moulded at a vertical spindle moulding machine shall, if practicable, be held in a jig or holder of such construction as to reduced as far as possible the risk of accident of the worker.

11. *Chain mortising machines.*—The chain of every chain mortising machine shall be provided with a guard which shall enclose the cutters as for as practicable.

12. *Adjustment and maintenance of guards.*—The guards and other appliances required under this Schedule shall be :—

(a) maintained in an efficient state,

(b) constantly kept in position while the machinery is in motion, and

(c) so adjusted as to enable the work to be done without unnecessary risk.

13. *Exemptions.*—Paragraphs 6, 8, 9 and 10 shall not apply to any wood-working machine in respect of which it can be proved that other safeguards are provided, maintained and used which render the machine as safe as it would be if guarded in the manner prescribed in this Schedule.

SCHEDULE IV.

(Rubber Mills)

1. *Installation of machines.*—Mills for breaking down, cracking, grating, mixing, refining and warming rubber or rubber compounds shall be so installed that the top of the front roll is not less than forty-six inches above the floor or working level. Provided that in existing installations where the top of the front roll is below this height a strong rigid distance bar guard shall be fitted across the front of the machine in such position that the operator cannot reach the nip of the rolls.

2. *Safety Devices.*—(1) Rubber mills shall be equipped with:—

(*a*) hoppers so constructed or guarded that it is impossible for the operators to come into contact in any manner with the nip of the rolls;

(*b*) horizontal safety—trip rods or tight wire cables across both front and rear; which will, when pushed or pulled, operate instantly to disconnect the power and apply the brakes, or to reverse the rolls.

(2) Safety-trip rods or tight wire cables on rubber mills shall extend across the entire length of the face of the rolls and shall be located not more than sixty-nine inches above the floor or working level.

(3) Safety-trip rods and tight wire cables on all rubber mills shall be examined and tested daily in the presence of the Manager or other responsible person and if any defect is disclosed by such examination and test the mill shall not be used until such defect has been remedied.

CHAPTER IV.

SCHEDULE V.

1. *Special rule for printing presses.*—In printing works every platen machine driven by power shall be fitted with an efficient finger-guard and every guillotine machine driven by power with an efficient knife-guard.

2. *Special rule for tea factories.*—In tea factories, the roll table shall be fenced to the satisfaction of the Inspector and brushes shall be provided to the workers for the purposes of sweeping the roll table.

3. *Special rule for brick and tile works.*—In brick and tile works, a finger-guard shall be fitted at the feed end to the full length of the mould of every revolving press.

4 *Special rule for decorticating factories.*—In decorticating factories, the beater arms and the feed mouth of the decorticator shall, as far as practicable, be guarded as follows:—

A grating of $\frac{3}{4}$ inch diameter wrought iron rods spaced $2\frac{1}{2}$ inches apart and supported by iron stiffeners 2 inches × $\frac{1}{4}$ inch thick shall be fixed at a height of 6 inches about the tip of the beater arms. A strong wooden plank $1\frac{1}{2}$ inches thick and iron plated on the underside shall be clamped with bolts and nuts over this grating leaving a space of 8 inches wide for the feeding of groundnuts. A grating of one inch diameter wrougnt iron rod spaced $1\frac{1}{2}$ inches apart shall be fixed at a height of 5 inches just above the feed mouth and another wooden plank 9 inches wide shall be fixed over the full length of the decorticator platform.

5. *Special rule for Power Presses.*—(1) *Definition*:—For the purposes of this schedule, Power Press means a machine used in metal or other industries for blanking, rising, drawing and similar processes.

(2) *Starting and stopping mechanism.*—The Starting and Stopping mechanism shall be provided with a safety stop so as to prevent overrunning of the Press or descent of the ram during tool setting, etc.

(3) *Protection of tool and die.*—(*a*) Each Press shall be provided with a fixed guard with a slip plate on the underside enclosing the front and sides of the tool.

(*b*) Each die shall be provided with a fixed guard surrounding its front and sides and extending to the back in the form of a tunnel through which the pressed article falls to the rear of the press.

(*c*) The design, construction and mutual position of the guards referred to in (*a*) and (*b*) shall be such as to preclude the possibility of the workers hand or fingers reaching the danger zone.

(*d*) The machine shall be fed through a small aperture at the bottom of the die guard, but a wider aperture may be permitted for second and subsequent operations if feeding is done through a chute.

Rule prescribed under sub-section (2) of Section 23.

54. *Employment of young persons on dangerous machines.*—The following machines shall be deemed to be of such dangerous character that young persons shall not work at them unless the provisions of Section 23 (1) are complied with:—

Power presses other than hydraulic presses;
Milling machines used in the metal trades;
Guillotine machines;
Circular Saws;
Platen printing machines.

54-A. The following parts of machines will be deemed to be machinery to be guarded by the makers for the purpose of Section 26 (1) :— Rule under Section 26 (3).

(1) Back gears, change wheels and cog drives of lathes.

(2) Back gears and level gearing of drilling machines.

(3) Gear wheels and level drives of planing, shaping, slotting and milling machines.

(4) All cog and level drives of oil expellers.

55. *Exemption of certain hoists and lifts.*—In pursuance of the provisions of sub-section (4) of Section 28, in respect of any class or description of hoist or lift specified in the first column of the following Schedule, the requirements of the Section 28 specified in the second column of the said Schedule and set opposite to that class or description of hoist or lift shall not apply. Exemption under sub-section (4) of Section 28.

SCHEDULE.

Class or description of hoist or lift (1)	Requirements which shall not apply (2)
Hoists or lifts mainly used for raising materials for charging blast furnaces or lime kilns.	Sub-section 1 (*b*) in so far as it requires a gate at the bottom landing; sub-section 1 (*d*); sub-section 1 (*e*).
Hoists not connected with mechanical power and which are not used for carrying persons.	Sub-section (1)(*b*) in so far as it requires the hoistway or liftway enclosure to be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part; sub-section 1 (*e*).

56. *Pressure plant.*—(1) Every part of the plant or machinery used in a manufacturing process, and operated at a pressure greater than atmospheric pressure, shall be:— Rule prescribed under sub-section (2) of Section 31.

(*a*) of good construction, sound material, adequate strength and free from any patent defect;

(*b*) properly maintained;

(*c*) thoroughly examined by a competent person at least once in every period of 12 months, and also after any extensive repairs, before being replaced in service : but if the part is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test shall be carried out in lieu of such examination ;

(*d*) fitted with (i) a suitable safety valve or other effective method of ensuring that the maximum permissible working pressure of the part shall not be exceeded ; (ii) a correct pressure gauge easily visible, which shall indicate the pressure in pounds per square inch, and have marked upon it in a distinctive colour the maximum permissible working pressure ; (iii) a suitable stop valve or valves by which the part may be isolated from the remainder of the plant or machinery:

Provided that it shall be sufficient for the purposes of clause (*d*) if the safety valve, pressure gauge and stop valve are mounted on a pipe line immediately adjacent to the part and where there is a range of two or more similar parts in a plant or machine, only one set of such mountings need be fitted.

(2) Every vessel or apparatus other than part of a prime mover operated at a pressure greater than atmospheric pressure, and not so constructed as to withstand with safety the maximum permissible working pressure of the boiler, or the maximum pressure which can be obtained in the pipe connecting the vessel or apparatus with any other source of supply, shall be fitted with a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded.

(3) A report of the result of every examination made in accordance with the foregoing sub-rule shall be completed in the prescribed Form No. 8 and signed by the person making the examination and shall be kept available for perusal by an Inspector at any time while the part is in service.

(4) No such part which has previously been used shall be taken into use in any factory for the first time in the factory until it has been examined and reported on in accordance with the foregoing sub-rules and no new part shall be taken into use unless there has been obtained from the maker of the part, or from a competent person, a

certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the part and its fittings (if any) have been subjected, and the certificate is kept available for perusal by an Inspector, and the part is so marked as to enable it to be identified as the part to which the certificate relates.

(5) Where the report of any examination under this Rule specifies conditions for securing the safe working of a part, the part shall not be used except in accordance with those conditions.

(6) The competent person making the report of any examination under this Rule, shall within seven days of the completion of the examination, send to the Inspector a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the part cannot continue to be used with safety unless certain repairs carried out immediately or within a specified time.

(7) The requirements of this Rule shall be in addition to and not in derogation of the requirements of any other Act, Rules or Regulations.

(8) Nothing in this Rule shall apply to—

(*a*) any plant which comes within the scope of the Indian Boilers Act;

(*b*) metal bottles or cylinders used for the storage or transport of gases under pressure.

Explanation.—In this Rule and in Rule 61, a competent person means a person holding any of the qualifications exempting him from passing Parts A and B of the Associate Membership Examination of the Institution of Engineers (India) or any other person whom the Chief Inspector considers competent for any specified purpose by virtue of his experience in any particular line.

57. *Excessive weights.*—(1) No woman or young person shall unaided by another person, lift, carry or move by hand or on head, any material, article, tool or appliance

Rule prescribed under sub-section 2 of Section 34.

exceeding the maximum limit in weight set out in the following Schedule :—

SCHEDULE.

Persons		*Maximum weight of material, article, tool or appliance.*
(*a*) Adult female	...	65 lbs.
(*b*) Adolescent male	...	65 lbs.
(*c*) Adolescent female	...	45 lbs.
(*d*) Male child	...	35 lbs.
(*e*) Female child	...	30 lbs.

(2) No woman or young person shall engage, in conjunction with others, in lifting, carrying or moving by hand or on head, any material, article, tool or appliance, if the weight thereof exceeds the lowest weight fixed by the Schedule to sub-rule (1) for any of the persons engaged, multiplied by the number of the persons engaged.

Rule prescribed under Section 35.

58. *Protection of Eyes.*—Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the immediate vicinity of the following processes :—

(*a*) The processes specified in Schedule I annexed hereto, being processes which involve risk of injury to the eyes from particles or fragments thrown off in the course of the process.

(*b*) The processes specified in Schedule II annexed hereto, being processes which involve risk of injury to the eyes by reason of exposure to excessive light.

SCHEDULE I.

Dry grinding of metals or articles of metal applied by hand to a revolving wheel or disc driven by mechanical power.

Turning (external or internal) of non-ferrous metals or of cast iron, or articles of such metals or such iron, where the work is done dry, other than precision turning where the use of goggles or a screen would seriously interfere with the work, or turning by means of hand tools.

Welding or cutting of metals by means of an electric oxy-acetylene or similar process.

The following processes when carried on by means of hand tools or other portable tools :—

Fettling of material involving the removal of metal.

Cutting out or cutting off cold rivets or bolts from boilers or other plant, or from ships.
Chipping or scaling of boilers or ships plates.
Breaking or dressing of stone, concrete or slag.

SCHEDULE II.

Welding or cutting of metals by means of an electrical oxy-acetylene or similar process.

All processes in connection with glass melting furnaces.

59. *Minimum dimensions of manholes.*—Every chamber, tank, vat, pipe, flue or other confined space, which persons may have to enter and which may contain dangerous fumes to such an extent as to involve risk of the persons being overcome thereby, shall, unless there is other effective means of egress, be provided with a manhole which may be rectangular, oval or circular in shape, and which shall :— Rule prescribed under sub-section (6) of Section 36.

(*a*) in the case of a rectangular or oval shape, be not less than 16 inches long and 12 inches wide ;

(*b*) in the case of a circular shape, be not less than 16 inches in diameter.

60. *Exemptions.*—The requirements of sub-section 4 of Section 37 shall not apply to the following processes carried on in any factory— Exemptions under sub-section (5) of Section 37.

(*a*) The operation of repairing a water-sealed gasholder by the electric welding process, subject to the following conditions :—

(i) The gasholder shall contain only the following gases, separately or mixed at a pressure greater than atmospheric pressure, namely town gas, coke-oven gas, producer gas, blast furnace gas, or gases, other than air, used in their manufacture :

Provided that this exemption shall not apply to any gasholder containing acetylene or mixture of gases to which acetylene has been added intentionally ;

(ii) Welding shall only be done by the electric welding process and shall be carried out by experienced operatives under the constant supervision of a competent person.

(*b*) The operations of cutting or welding steel or wrought iron gas mains and services by the application of heat, subject to the following conditions:—

(i) The main or service shall be situated in the open air, and it shall contain only the following gases, separately or mixed at a pressure greater than atmospheric pressure, namely, gas, coke-oven gas, producer gas, blast furnace gas, or gases other than air, used in their manufacture.

(ii) The main or service shall not contain acetylene or any gas or mixture of gases to which acetylene has been added intentionally.

(iii) The operation shall be carried out by an experienced person or persons and at least two persons (including those carrying out the operations) experienced in work on gas mains and over 18 years of age shall be present during the operation.

(iv) The site of the operation shall be free from any inflammable or explosive gas or vapour.

(v) Where acetylene gas is used as a source of heat in connection with an operation, it shall be compressed and contained in a porous substance in a cylinder, and

(vi) Prior to the application of any flame to the gas main or service, this shall be pierced or drilled and the escaping gas ignited.

Rule prescribed under sub-section (1) of Section 38.

61. *Means of escape in case of fire.*—(1) Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein, and without prejudice to the generality of the foregoing:—

(*a*) Each room of a factory building shall in relation to its size and the number of persons employed in it be provided with an adequate number of exits for use in case of fire though not necessarily confined to such use, so positioned that each person will have a reasonably free and unobstructed passage from his workplace to an exit.

(*b*) No exit intended for use in case of fire shall be less than 3 feet in width nor less than 6 feet 6 inches in height.

(c) In the case of a factory building or part of a factory building of more than one storey and in which not less than twenty persons work at any one time, there shall be provided at least one substantial stairway permanently constructed either inside or outside the building and which affords direct and unimpeded access to ground level.

(d) In the case of a factory building or part of a factory building in which twenty or more persons work at any one time above the level of the ground floor, or wherein explosive or highly-inflammable materials are used or stored, or which is situated below ground level, the means of escape shall include at least two separate and substantial stairways permanently constructed either inside or outside the building and which afford direct and unimpeded access to ground level.

(e) Every stairway in a factory which affords a means of escape in case of fire shall be provided with a substantial handrail which if the stairway has an open side shall be on that side, and if the stairway has two open sides, such handrail shall be provided on both sides.

(2) In the case of a building constructed or converted for use as a factory after the date of the passing of the Act, the following additional requirements shall apply:—

(a) At least one of the stairways provided shall be of fire resisting materials.

(b) Every hoist-way or lift-way inside a factory building shall be completely enclosed with fire-resisting materials and all means of access to the hoist or lift shall be fitted with doors of fire resisting materials:

Provided that any such hoist-way or lift-way shall be enclosed only at the top by some material easily broken by fire or be provided with a vent at the top.

(c) No fire escape stair shall be constructed at an angle greater than 45° from the horizontal.

(d) No part of a factory building shall be further (along the line of travel) than 150 feet from any fire escape stair.

(e) No stairway shall be less than 45 inches in width.

(3) A. *Explanation.*—For the purpose of this Rule, "Fire Resisting Material" means—

(*a*) properly constructed brick work not less than 4½ inches in thickness; or

(*b*) concrete not less than 3 inches in thickness; or

(*c*) efficiently joined breeze slabbing not less than 3 inches in thickness; or

(*d*) glass not less than one-quarter of an inch in thickness in the centre of which wire mesh is embedded; or

(*e*) wood completely and securely covered on both sides with compressed asbestos not less than one-quarter of an inch in thickness; or

(*f*) iron or steel; or

(*g*) any other material approved in writing by the Chief Inspector.

B. In every factory building in which workers are ordinarily employed and which is more than one storey high and which has a floor area of more than 1,000 sq. ft. other than those which—

(*a*) are entirely of fireproof construction, and

(*b*) contain no fittings or equipment of wood or other inflammable material, and in which

(*c*) no inflammable material is stored or used,

the manager shall provide fire extinguishing apparatus as follows:—

(i) buckets at a rate of not less than one for every 1,500 sq. ft. of floor area subject to a minimum of two buckets on any floor having an area in excess of 1,000 sq. ft.

(ii) chemical extinguishers at the rate of not less than one for every 6,000 sq. ft. of floor area subject to a minimum of one extinguisher on any floor having an area in excess of 1,000 sq. ft.

C. Every bucket provided under Clause B of sub-rule (3) shall—

(*a*) be of not less than two gallons capacity of substantial make, shall have its base so pointed or rounded that it cannot stand upright on a flat surface and shall be painted scarlet on the outside, and

(*b*) be kept in a position approved by the Inspector, and shall be used for no other purpose than fire extinction, and

(c) at all times be kept full of water, except where the principal fire risk arises from oil or spirit when it shall be kept full of sand or mixture of saw-dust and soda.

D. Every chemical extinguisher provided under clause B of sub-rule (3) shall be in accordance with sub-rule (4) and shall be kept properly mounted in a position approved by the Inspector:

Provided that in the case of—

(a) any single storey building in which the Chief Inspector deems the risk of injury to the workers from an outbreak of fire to be negligible, or

(b) a building for which is provided ample and constantly available supply of water at a head sufficient to throw a jet from the ground to the highest point of the building, together with sufficient hydrants, hose and nozzles, or

(c) a building or room sufficiently equipped with a sprinkling or drenching apparatus approved by any recognised association of fire insurance companies or under writers,

the Chief Inspector may by order in writing exempt the manager from all or any of the provisions of this sub-rule in respect of that building or room on such conditions as he may think fit.

(4)-A. Every chemical fire extinguisher provided under sub-rule (3) shall—

(a) have a capacity of not less than two gallons and shall be of a make approved by a recognised association of fire insurance companies or underwriters, and

(b) be kept charged and ready for use, properly mounted in a position approved by the Inspector and accompanied by the maker's printed instructions for its use, and

(c) be examined, tested or discharged periodically in accordance with the maker's recommendations.

B. In every factory in which chemical fire extinguishers are provided, the manager shall provide and retain in safe keeping spare charges at the rate of one for each extinguisher of any one type, subject to a minimum of two spare charges for each type of extinguisher provided.

(5) Special provision for match factories.—In match factories—

(i) the residue of the head composition shall not in any way be mixed with the residue of the friction composition;

(ii) the rooms comprising the two mixing departments, namely, (*a*) head composition and (*b*) friction composition, shall be entirely separated from each other and the drains from these two departments shall be kept entirely separate;

(iii) rubbish containing the residues of the head composition and friction composition shall be kept and burnt separately;

(iv) departments in which completed matches (matches with heads on) are stored shall be separated from all other departments by means of fire-proof walls and doors providing adequate means of escape in case of fire, provided that the Chief Inspector may, subject to such conditions as he may deem necessary exempt any factory in existence on 1st January 1935 from the provisions of this clause;

(v) splints, veneers and other materials required in excess of the quantity required for the day's manufacture shall be kept in separate rooms of the factory where no manufacturing process is carried on. No manufactured material shall be stored anywhere in the factory compound for more than five days after the manufacture except in the storage godown:

Provided that nothing contained in this clause shall apply to splints and veneers in cases stored in peeling and box making departments;

(vi) store rooms for matches shall be entirely separated by fire-proof walls from the buildings used for manufacture.

CHAPTER V

WELFARE.

Rule prescribed under sub-section 2 of Section 42.

62. *Washing facilities.*—(1) There shall be provided and maintained in every factory for the use of employed persons adequate and suitable facilities for washing which shall include soap and nail brushes or other suitable

means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) Without prejudice to the generality of the foregoing provisions the washing facilities shall include—

(a) a trough with taps or jets at intervals of not less than two feet, or

(b) wash-basins with taps attached thereto, or

(c) taps on stand-pipes, or

(d) showers controlled by taps, or

(e) circular troughs of the fountain type, provided that the Inspector may, having regard to the needs and habits of the workers, fix the proportion in which the aforementioned types of facilities shall be installed.

(3) (a) Every trough and basin shall have a smooth impervious surface and shall be fitted with a waste-pipe and plug.

(b) The floor or ground under and in the immediate vicinity of every trough, tap, jet, wash-basin, stand pipe and shower shall be so laid or finished as to provide a smooth impervious surface and shall be adequately drained.

(4) For persons whose work involves contact with any injurious or noxious substance there shall be at least one tap for every fifteen persons; and for persons whose work does not involve such contact the number of taps shall be as follows:—

No. of workers.	No. of taps.
Up to 20 ...	1
21 to 35 ...	2
36 to 50 ...	3
51 to 150 ...	4
151 to 200 ...	5
Exceeding 200 but not exceeding 500.	5 plus one tap for every 50 or fraction of 50.
Exceeding 500 ...	11 plus one tap for every 100 or fraction of 100.

(5) If female workers are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass. The entrance to such facilities shall bear conspicuous notice in the language understood by the majority of the workers "For Women Only" and shall also be indicated pictorially.

(6) The water supply to the washing facilities shall be capable of yielding at least six gallons a day for each person employed in the factory and shall be from a source approved in writing by the Health Officer. Provided that where the Chief Inspector is satisfied that such an yield is not practicable he may by certificate in writing permit the supply of a smaller quantity not being less than one gallon per day for every person employed in the factory.

Rule prescribed under sub-section (1) of Section 45.

63. *First aid appliance.*—The first aid boxes or cupboards shall be distinctively marked with a red cross on a white ground and shall contain the following equipment :—

A. For factories, in which the number of persons employed does not exceed ten, or (in the case of factories in which mechanical power is not used) does not exceed fifty persons—Each first-aid box or cupboard shall contain the following equipment.

(i) 6 small sterilized dressings.
(ii) 3 medium size sterilized dressings.
(iii) 3 large size sterilized dressings.
(iv) 3 large size sterilized burn dressings.
(v) 1 (1 oz.) bottle containing a two per cent alcoholic solution of iodine.
(vi) 1 (1 oz.) bottle containing sal-volatile having the dose and mode of administration indicated on the label.
(vii) A snake-bite lancet.
(viii) 1 (1 oz.) bottle of potassium permanganate crystals.
(ix) 1 pair scissors.
(x) 1 copy of the first aid leaflet issued by the Chief Adviser, Factories, Government of India.

B. For factories in which mechanical power is used and in which the number of persons employed exceeds ten but does not exceed fifty—Each first-aid box or cupboard shall contain the following equipment :—

(i) 12 small sterilized dressings.
(ii) 6 medium size sterilized dressings.
(iii) 6 large size sterilized dressings.
(iv) 6 large size sterilised burn dressings.
(v) 6 (½ oz.) packets sterilized cotton wool.
(vi) 1 (2 oz.) bottle containing a two per cent alcoholic solution of iodine.

(vii) 1 (2 oz.) bottle containing sal-volatile having the dose and mode of administration indicated on the label.
(viii) 1 roll of adhesive plaster.
(ix) A snake bite lancet.
(x) 1 (1 oz.) bottle of potassium permanganate crystals.
(xi) 1 pair scissors.
(xii) 1 copy of first aid leaflet issued by the Chief Adviser, Factories, Government of India.

C. For factories employing more than fifty persons—Each first-aid box or cupboard shall contain the following equipment :—

(i) 24 small sterilized dressings.
(ii) 12 medium size sterilized dressings.
(iii) 12 large size sterilized dressings.
(iv) 12 large size sterilized burn dressings.
(v) 12 ($\frac{1}{2}$ oz.) packets sterilized cotton wool.
(vi) 1 snake bite lancet.
(vii) 1 pair scissors.
(viii) 2 (1 oz.) bottles of potassium permanganate crystals.
(ix) 1 (4 oz.) bottle containing a two per cent alcoholic solution of iodine.
(x) 1 (4 oz.) bottle of sal-volatile having the dose and mode of administration indicated on the label.
(xi) 1 copy of the first aid leaflet issued by the Chief Adviser, Factories, Government of India.
(xii) 12 roller bandages 4 inches wide.
(xiii) 12 roller bandages 2 inches wide.
(xiv) 2 rolls of adhesive plaster.
(xv) 6 triangular bandages.
(xvi) 2 packets of safety pins.
(xvii) A supply of suitable splints.
(xviii) 1 tournequet.

Provided that items (xii) to (xviii) inclusive need not be included in the standard first-aid box or cupboard (*a*) where there is a properly equipped ambulance room, or (*b*) if at least one box containing such items and placed and maintained in accordance with the requirements of Section 45 is separately provided.

D.—In lieu of the dressings required under items (i) and (ii), there may be substituted adhesive wound dressings approved by the Chief Inspector of Factories.

Rule prescribed under sub-section (3) of Section 45.

64. *Ambulance room.*—(1) The ambulance room or dispensary shall be in charge of a qualified medical practitioner assisted by at least one qualified nurse and such subordinate staff as the Chief Inspector may direct.

(2) The ambulance room or dispensary shall be separate from the rest of the factory and shall be used only for the purpose of first aid treatment and rest. It shall have a floor area of at least 250 sq. ft. and smooth, hard and impervious walls and floor and shall be adequately ventilated and lighted by both natural and artificial means. An adequate supply of wholesome drinking water shall be laid on and the room shall contain at least—

(i) A glazed sink with hot and cold water always available.
(ii) A table with a smooth top at least 6′ × 3′ 6″.
(iii) Means for sterilizing instruments.
(iv) A couch.
(v) Two stretchers.
(vi) Two buckets or containers with close fitting lids.
(vii) Two rubber hot water bags.
(viii) A kettle and spirit stove or other suitable means of boiling water.
(ix) Twelve plain wooden splints 36″ × 4″ × ¼″.
(x) Twelve plain wooden splints 14″ × 3″ × ¼″.
(xi) Six plain wooden splints 10″ × 2″ × ½″.
(xii) Six woollen blankets.
(xiii) One pair artery forceps.
(xiv) One bottle of brandy.
(xv) Two medium size sponges.
(xvi) Six hand towels.
(xvii) Four "Kidney" trays.
(xviii) Four cakes carbolic soap.
(xix) Two glass tumblers and two wine glasses.
(xx) Two clinical thermometers.
(xxi) Graduated measuring glass with teaspoon.
(xxii) One eye bath.
(xxiii) One bottle (2 lbs.) carbolic lotion 1 in 20.
(xxiv) Three chairs.
(xxv) One screen.

(xxvi) One electric hand torch.

(xxvii) Four first-aid boxes or cupboards stocked to the standards prescribed under item C of Rule 63.

(xxviii) An adequate supply of anti-tetanus serum.

(3) The occupier of every factory to which these Rules apply shall, for the purpose of removing serious cases of accident or sickness, provide in the premises and maintain in good condition a suitable conveyance unless he has made arrangements for obtaining such a conveyance from a hospital.

(4) A record of all cases of accident and sickness treated at the room shall be kept and produced to the Inspector or Certifying Surgeon when required.

Rules 65 to 71 prescribed under Section 46.

65. *Canteens.*—(1) The occupier of every factory notified by the State Government, and wherein more than two hundred and fifty workers are ordinarily employed shall provide in or near the factory an adequate canteen according to the standards prescribed in these Rules.

(2) The Manager of a factory shall submit for the approval of the Chief Inspector plans and site plan, in duplicate, of the building to be constructed or adapted for use as a canteen.

(3) The canteen building shall be situated not less than fifty feet from any latrine, urinal, boiler house, coal stacks, ash dumps and any other source of dust, smoke or obnoxious fumes:

Provided that the Chief Inspector may, in any particular factory relax the provisions of this sub-rule to such extent as may be reasonable in the circumstances and may require measures to be adopted to secure the essential purpose of this sub-rule.

(4) The canteen building shall be constructed in accordance with the plans approved by the Chief Inspector and shall accommodate at least a dining hall, kitchen, store room, pantry and washing places separately for workers and for utensils.

(5) In a canteen the floor and inside walls upto a height of 4 feet from the floor shall be made of smooth and impervious material; the remaining portion of the inside walls shall be made smooth by cement plaster or in any other manner approved by the Chief Inspector.

(6) The doors and windows of a canteen building shall be of fly-proof construction and shall allow adequate ventilation.

(7) The canteen shall be sufficiently lighted at all times when any persons have access to it.

(8) (*a*) In every canteen—

(i) all inside walls of rooms and all ceilings and passages and staircases shall be lime-washed or colour-washed at least once in each year or painted once in three years dating from the period when last lime-washed, or painted, as the case may be;

(ii) all wood work shall be varnished or painted once in three years dating from the period when last varnished or painted;

(iii) all internal structural iron or steel work shall be varnished or painted once in three years dating from the period when last varnished or painted: Provided that inside walls of the kitchen shall be lime-washed once every four months.

(*b*) Records of dates on which lime-washing, colour-washing, varnishing or painting is carried out shall be maintained in the prescribed Register (Form No. 7).

(9) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangement shall be made for the collection and disposal of garbage.

66. *Dining hall.*—(1) The dining hall shall accommodate at a time at least 30 per cent of the workers working at a time:

Provided that in any particular factory or in any particular class of factories, the State Government may, by a notification in this behalf, alter the percentage of workers to be accommodated.

(2) The floor area of the dining hall, excluding the area occupied by the service counter and any furniture except tables and chairs, shall not be less than 10 square feet per diner to be accommodated as prescribed in sub-rule (1).

(3) A portion of the dining hall and service counter shall be partitioned off and reserved for women workers in proportion to their number. Washing places for women shall be separte and screened to secure privacy.

(4) Sufficient tables, chairs or benches shall be available for the number of diners to be accommodated as prescribed in sub-rule (1).

67. *Equipment.*—(1) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.

(2) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter, if provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

68. *Prices to be charged.*—(1) Food, drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee.

(2) The accounts pertaining to the canteen shall be audited, once item served in the canteen shall be conspicuously displayed in the canteen.

69. *Accounts.*—(1) All books of accounts, registers and any other documents used in connection with the running of the canteen shall be produced on demand to an Inspector.

(2) The accounts pertaining to the canteen shall be audited, once every twelve months, by registered accountants and auditors. The balance sheet prepared by the said auditors shall be submitted to the Canteen Managing Committee not later than two months after the closing of the audited accounts.

70. *Managing Committee.*—(1) The Manager shall appoint a Canteen Managing Committee which shall be consulted from time to time as to —

(*a*) the quality and quantity of food stuffs to be served in the canteen;
(*b*) the arrangement of the menus;
(*c*) times of meals in the canteen; and
(*d*) any other matter as may be directed by the Committee.

(2) The Canteen Managing Committee shall consist of an equal number of persons nominated by the occupier and elected by the workers. The number of elected workers

shall be in the proportion of 1 for every 1,000 workers employed in the factory, provided that in no case shall there be more than 5 or less than 2 workers on the Committee.

(3) The Manager shall determine and supervise the procedure for elections to the Canteen Managing Committee.

(4) A Canteen Managing Committee shall be dissolved by the Manager two years after the last election, no account being taken of a bye-election.

71. *Portion of running cost to be borne by occupier.*—The State Government may by special or general directions issued in this behalf and notified in the official gazette, prescribe the proportion of the cost of running a canteen which shall be borne by the occupier.

Rule prescribed under Section 47.

72. *Shelters, rest rooms and lunch rooms.*—(1) This Rule shall come into force, in respect of any class of description of factories, on such dates as the State Government may, by notification in the official gazette, appoint in this behalf.

(2) The shelters, or rest rooms and lunch rooms shall conform to the following standards and the manager of a factory shall submit for the approval of the Chief Inspector a site plan in duplicate of the building to be constructed or adapted :—

(a) The building shall be soundly constructed and all the walls and roof shall be of suitable heat resisting materials and shall be water-proof. The floor and walls to a height of 3 feet shall be so laid or finished as to provide a smooth, hard and impervious surface.

(b) The height of every room in the building shall be not less than 12 feet from floor level to the lowest part of the roof and there shall be at least 12 square feet of floor area for every person employed. Provided that (i) workers who habitually go home for their meals during the rest periods may be excluded in calculating the number of workers to be accommodated, and (ii) in the case of factories in existence at the date of commencement of the Act, where it is impracticable, owing to lack of space to provide 12 square feet of floor area for each person, such reduced floor area per person shall be provided as may be approved in writing by the Chief Inspector.

(c) Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

(d) Every room shall be adequately furnished with chairs or benches with back-rests.

(e) Sweepers shall be employed whose primary duty it is to keep the rooms, building and precincts thereof in a clean and tidy condition.

Rules 73 to 76 prescribed under sub-section (3) of Section 48.

73. *Creches.*—(1) The creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably practicable it shall not be situated in close proximity to any part of the factory where obnoxious fumes, dust or odours are given off or in which excessively noisy processes are carried on.

(2) The building in which the creche is situated shall be soundly constructed and all the walls and roof shall be of suitable heat resisting materials and shall be water-proof. The floor and internal walls of the creche shall be so laid or finished as to provide a smooth impervious surface.

(3) The height of the rooms in the building shall be not less than 12 feet from the floor to the lowest part of the roof and there shall be not less than 20 sq. ft. of floor area for each child to be accommodated.

(4) Effective and suitable provision shall be made in every part of the creche for securing and maintaining adequate ventilation by the circulation of fresh air.

(5) The creche shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with the necessary bedding for each child (provided that for children over two years of age it will be sufficient if suitable bedding is made available), at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child, and a sufficient supply of suitable toys for the older children.

(6) A suitably fenced and shady open air play-ground shall be provided for the older children: Provided that the Chief Inspector may by order in writing exempt any factory from compliance with this sub-rule if he is satisfied that there is not sufficient space available for the provision of such a play-ground.

74. *Wash room.*—There shall be in or adjoining the creche a suitable wash room for the washing of the children and their clothing. The wash room shall conform to the following standards :—

(*a*) The floor and internal walls of the room to a height of 3 feet shall be so laid or finished as to provide a smooth impervious surface. The room shall be adequately lighted and ventilated and the floor shall be effectively drained and maintained in a clean and tidy condition.

(*b*) There shall be at least one basin or similar vessel for every four children accommodated in the creche at any one time together with a supply of water provided, if practicable, through taps from a source approved by the Health Officer. Such source shall be capable of yielding for each child a supply of at least five gallons of water a day ;

(*c*) An adequate supply of clean clothes, soap and clean towels shall be made available for each child while it is in the creche.

75. *Supply of milk and refreshment.*—At least half a pint of clean pure milk shall be available for each child on every day it is accommodated in the creche and the mother of such a child shall be allowed in the course of her daily work.....intervals of at least..... to feed the child. For children above two years of age there shall be provided in addition an adequate supply of wholesome refreshment.

76. *Clothes for creche staff.*—The creche staff shall be provided with suitable clean clothes for use while on duty in the creche.

CHAPTER VI.

Working Hours of Adults.

Rule prescribed under sub-section 2 of Section 53.

77. *Compensatory holidays.*—(1) Except in the case of workers engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under sub-section (1) of Section 52 of the Act shall be so spaced that not more than two holidays are given in one week.

(2) The Manager of the factory shall display, on or before the end of the month in which holidays are lost, a a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of work prescribed under Section 61 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.

(3) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

(4) (*a*) The Manager shall maintain a Register in Form No. 9:

Provided that, if the Chief Inspector of Factories is of the opinion that any muster roll or register maintained as part of the routine of the factory or return made by the Manager, gives in respect of any or all of the workers in the factory the particulars required for the enforcement of Section 52, he may, by order in writing, direct that such muster roll or register or return shall, to the corresponding extent, be maintained in place of and be treated as the register or return required under this Rule for that factory.

(*b*) The register maintained under Clause (*a*) shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

77-A. Adult workers engaged in factories specified in the schedule annexed hereto shall be exempt from the provisions of Section 58.

SCHEDULE.

(1) Watch and ward and fire protection staff in all factories.

(2) All workers in Newspaper Presses.

(3) All workers in iron and steel, aluminium, copper and brass rolling mills.

(4) All workers in hotels and restaurants.

(5) Workers in public utility transport workshops (where this exemption is considered necessary by the Chief Inspector).

(6) Any other classes of workers in the auxiliary sections of large factories where steam or electricity is generated or transformed for use in the factory, who may be declared to be so exempted in writing by the Chief Inspector on application by the Manager, in consideration of the essential or continuous nature of the duties involved.

(7) Any special class of workers in any other factory where overlapping shifts are considered necessary by the Chief Inspector.

Muster-roll prescribed under sub-section (4) of Section 59.

78. *Muster-roll for exempted factories.*—The Manager of every factory in which workers are exempted under Section 64 or 65 from the provisions of Section 51 or 54 shall keep a muster-roll in Form No. 10 showing the normal piece-work rate of pay, or the rate of pay per hour, of all exempted employees. In this muster-roll shall be correctly entered the overtime hours of work and payments therefor of all exempted workers. The muster-roll in Form No. 10 shall always be available for inspection.

78-A. Restriction of double employment. An adult worker may be employed in more than one factory on the same day, with the previous approval of the Inspector, subject to the following conditions :—

(1) He shall not be employed for more than nine hours in all on any one day.

(2) He shall receive a weekly holiday in accordance with the provisions of Section 52.

Notice prescribed under sub-section (8) of Section 61.

79. *Notice of periods of work for adults.*—The notice of periods of work for adult workers shall be in Form No. 11.

Register prescribed under sub-section (2) of Section 62.

80. *Register of adult workers.*—The register of adult workers shall be in Form No. 12, and shall be maintained in accordance with the following provisions :—

(1) Where a worker is transferred from one group to another, or from one relay to another, the following particulars of his transfer shall be entered against his name :—

(*a*) Under the group from which he has been transferred :—

(i) The date and actual time of finishing work in the

group or relay, and

(ii) The group or relay to which he has been transferred, and

(*b*) Under the group to which he has been transferred:—

(i) the date and actual time of commencing work in the group or relay, and

(ii) the group or relay from which he has been transferred.

(2) Where a worker is discharged from or leaves his employment the date of his leaving or discharge as the case may be, shall be entered against his name in the "Remarks" column.

(3) All entries in the register shall be made in ink and shall be legible.

SCHEDULE.

4. Foremen.
7. Labour or Welfare Officers.
8. Canteen Supervisors.

81. *Persons defined to hold positions of supervision or management.*—The following persons shall be deemed to hold positions of supervision or management :— Rules 81 to 84 prescribed under Section 64.

(*a*) All persons specified in the Schedule annexed hereto.

(*b*) Any other person who, in the opinion of the Inspector, holds a position of supervision or management.

SCHEDULE.

List of persons to hold positions of supervision or management in factories.

1. Managers.
2. Assistant Managers.
3. Engineers.
4. Foremen.
5. Weaving Masters and Spinning Masters in Textile Mills.
6. Head Electricians.
7. .....
8. .....

82. *Persons defined to hold confidential position.*—All clerks and time-keepers employed in a factory within the meaning of sub-section (1) of Section 2 shall be deemed to be employed in a confidential position in the factory.

83. *List to be maintained of persons holding confidential position or position of supervision or management.*—A list showing the names and designations of all persons to whom the provisions of sub-section (1) of Section 64 have been applied shall be maintained in every factory.

84. *Exemption of certain adult workers.*—Adult workers engaged in factories specified in column 2 of the Schedule hereto annexed on the work specified in column 3 of the said Schedule shall be exempt from the provisions of the Sections specified in column 4 subject to the conditions, if any, specified in column 5 of the said Schedule.

SCHEDULE.

Section of the Act empowering grant of exemption	Class of factory	Nature of exempted work	Extent of exemption	Remarks
1	2	3	4	5
1. 64 (2) (a) and 64 (3).	All factories ...	Urgent repairs ...	Sections 51, 52, 54, 55, 56 and 61.	(i) No worker shall be employed on such repairs for more than 15 hours on any one day, 39 hours during any three consecutive days, or 66 hours during each period of seven consecutive days commencing from his first employment on such repairs. (ii) Within 24 hours of the commencement of the work, notice shall be sent to the Inspector describing the nature of the urgent repairs and the period probably required for their completion. Exemption from the provision of 54 shall apply only to adult male workers.
2. 64 (2) (b) and 64 (3).	All factories other than those which work throughout the day in a system of relay.	1. Work in the foundry or in connection with the mill gearing, the electric driving, the mechanical or electrical lifts or the steam or water pipes or pumps of a factory. 2. Work of examining or repairing any machinery or other part of the plant which is necessary for carrying on the work in factory. 3. Work in boiler houses and engine rooms, such as lighting fires, in order to raise steam or generate gas preparatory to the commencement of regular work in the factory.	Sections 51, 54, 55, 56 and 61.	The exemption shall be granted only in respect of limited number of persons to be given by the Chief Inspector on application of the Manager through the Inspector of Factories concerned.

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Section of the Act empowering grant of exemption	Class of factory	Nature of exempted work	Extent of exemption	Remarks
1	2	3	4	5
3. 64 (2) (e) and 64 (3).	All factories other than those which work throughout the day in a system of relay.	Work performed by drivers, on lighting, ventilating and humidifying apparatus Work performed by fire pumpmen.	Sections 51, 54, 55 and 61.	.....
4. Do ...	All factories ...	Work of persons engaged in loading or unloading or transporting raw materials or finished articles in factories where such work is intermittent and mainly outside the factory premises.	Do ...	.....
5. Do ...	Rice Mills ...	Drying, lifting and storing of paddy ...	Sections 51, 54 and 55.	.....
6. 64 (2) (d) (work which for technical reasons must be carried on continuously.	Iron and steel smelting and rolling works.	Operation of blast furnaces, steel smelting furnaces, rolling mills and such other work which must proceed concurrently with such operations and must for technical reasons be carried on continuously throughout the day.	Do ...	(a) This exemption shall not apply to such workers who do not work in a system of relays following one another throughout the day, so arranged that every such worker in every relay is allowed a break of not less than 16 consecutive hours, except at the time of periodical change overs from one shift to another. (b) Such workers shall be allowed to take light refreshments or meals at the place of his employment or in a room specially reserved for the purpose, or in a canteen provided in factory, once during any period exceeding 4 hours.

7. 64 (2) (c)	Newspaper Presses.	The work of persons employed in the rotary machine, stereo, binding and process departments.	Sections 51, 54 and 56.	.....
	Cinema Studios ...	Work in showing reflectors, shifting furniture on set or as clab boys in the process of shooting films.	Do ...	.....
	Hotels and Restaurants.	Work of all persons	Do ...	The spread over shall not exceed 12 hours on any day. Exemption from Section 58 for all workers provided for in Rule 77 (a). Workers on different shifts should be clearly distinguished by a badge or other suitable means.
8. 64 (2) (d)	All factories ...	Watch and ward and fire protection staff	Section 55 ...	.....
9. Do ...	Wood distillation bye-products, recovery and treatment works.	Recovery and treatment of bye-products...	Do ...	Do do
10. 64 (2) (d) (work which for technical reasons must be carried on continuously).	Electric Power generation and transforming stations or such plants attached to other factories.	(i) Operation of or attending upon boilers and its accessories. (ii) Operation of or attending upon prime-movers, generators, motor-generators, rotary converters, boasters, transformers or the like. (iii) Attending upon storage batteries. (iv) Operation of or attending upon switch-boards. (v) Such other work which must proceed concurrently with the above noted work and must for technical reasons be carried on continuously throughout the day.	Do ...	(*a*) This exemption shall not apply to such workers who do not work in a system of relays following one another throughout the day, so arranged that every such worker in every relay is allowed a break of not less than 16 consecutive hours, except at the time of periodical change overs from one shift to another. (*b*) Such workers shall be allowed to take light refreshments or meals at the place of his employment, or in a room specially reserved for the purposes, or in a canteen provided in the factory, once during any period exceeding 4 hours.
11. Do ...	Water works ...	Driving or attending upon ...	Do ...	Do do

Section of the Act empowering grant of exemption	Class of factory	Nature of exempted work	Extent of exemption	Remarks
1	2	3	4	5
12. 64 (2) (d) (work which for technical reasons must be carried on continuously).	Ice factories and cold storage plants or such plants attached to other factories.	Compression of the refrigerating medium	Section 55 ...	(a) This exemption shall not apply to such workers who do not work in a system of relays following one another throughout the day, so arranged that every such worker in every relay is allowed a break of not less than 16 consecutive hours, except at the time of periodical change overs from one shift to another. (b) Such workers shall be allowed to take light refreshments or meals at the place of his employment or in a room specially reserved for the purposes, or in a canteen provided in the factory, once during any period exceeding 4 hours.
13. Do ...	Gas works ...	Production of oxygen, carbon dioxide, acetylene or any other gas.	Do ...	Do do
14. Do ...	Cement factories	(i) Preparation of raw materials. (ii) Wet or dry cement mills working in conjunction with continuous kilns. (iii) Kilns. (iv) Cement grinding, packing and storing. (v) Testing of sample in laboratories.	Do ...	Do do
15. Do ...	Refractories and Potteries.	(i) Firing and attending upon kilns. (ii) Operation of and attending upon wet grinding mills.	Do ...	Do do
16. Do ...	Glass works ...	(i) Mixing of raw materials. (ii) Firing of and attending upon furnaces and changing of and attending upon pots.	Do ...	Do do

17.	Do ...	Paper factories ...	Work on— (i) Preparation of raw materials. (ii) Digesters. (iii) Diffusers, washing and sorting. (iv) Soda recovery plant. (v) Bleaching and bleach making plant. (vi) Breaking and beating plant. (vii) Paper making, cutting and finishing.	Do ...	Do	do
18.	Do ...	Vegetable oil hydrogenation factories.	(i) Refining. (ii) Hydrogenation. (iii) De-oderising. (iv) Production and compression of hydrogen and oxygen.	Do ...	Do	do
19.	Do ...	Chemical factories and chemical plants attached to other factories.	Manufacture of sulphuric, hydrochloric and nitric acids, sulphates, sulphides, nitrates, super phosphates, alum and oxides of iron and such other work which must proceed concurrently with such manufacturing process and must for technical reasons, be continuous throughout the day.	Do ...	Do	do
20.	Do ...	Lead factories ...	Work on reducing and refining furnaces and such other work which must proceed concurrently with the above noted work and must for technical reasons, be continuous throughout the day.	Do ...	Do	do
21.	Do ...	Flour mills ...	Milling and bagging of flour ...	Do ...	Do	do
22.	Do ...	Sugar factories ...	(i) Handling and crushing of cane and handling of 'gur'. (ii) Filteration, clarification, evaporation, concentration and crystallisation of cane juice and 'gur' liquor. (iii) Curing of mother liquor. (iv) Drying, crushing and bagging of sugar. (v) Burning of limestone or sulphur for clarification of cane juice.	Do ...	Do	do

Section of the Act empowering grant of exemption	Class of factory	Nature of exempted work	Extent of exemption	Remarks
1	2	3	4	5
23. 64 (2) (d) (work which for technical reasons must be carried on continuously).	Plywood factories.	Preparation of glue, gluing, combining, pressing, drying and such other work which must proceed concurrently with such operations.	Section 55 ...	Such workers shall be allowed to take light refreshments or meals at the place of his employment, or in a room specially reserved for the purpose, or in a canteen provided in the factory, once during any period exceeding 4 hours.
24. Do ...	Oil mills ...	Operation of ghannies and oil expellers ...	Do ...	(a) This exemption shall not apply to such workers who do not work in a system of relays following one another throughout the day, so arranged that every such worker in every relay is allowed a break of not less than 16 consecutive hours, except at the time of periodical change-overs from one shift to another. (b) Such workers shall by allowed to take light refreshments or meals at the place of his employment or in a room specially reserved for the purposes, or in a canteen provided in the factory, once during any period exceeding 4 hours.

25.	Do ...	Distilleries ...	(i) Dilution of molasses. (ii) Fermentation. (iii) Yeast propagation. (iv) Distillation. (v) And such other processes which must proceed concurrently with the above.	Do ...	Do	do
26.	Do ...	All factories exempted under Section 64(2)(d) and mentioned in serials 6 to 25 schedule.	Operation of or attending upon boilers, motive power plants or auxiliary plants for lighting, ventilating or humidifying the factory.	Do ...	Do	do

Explanation :—

1. The following shall be considered to be urgent repairs—

   (*a*) Repairs to any part of the machinery, plant or structure of a factory which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of manufacturing process.

   (*b*) Breakdown repairs to the motive power, transmission or other essential plant of other factories, collieries, railways, dockyards, harbours, tramways, motor transport, gas, electrical generating and transmission, pumping or similar essential or public utility services carried out in general engineering works and foundries and which are necessary to enable such concerns to maintain their manufacturing processes, production or service during normal working hours.

   (*c*) Repairs to deep-sea ships and repairs to commercial aircraft done in factory which are essential to enable such ships or aircraft to leave port at proper time or continue their normal operations in a sea or air-worthy condition, as the case may be.

   (*d*) Repairs in connection with a change of motive power, for example, from steam to electricity or *vice versa* when such work cannot possibly be done without stoppage of the normal manufacturing process.

2. Periodical cleaning is not included in the terms "examining" or "repairing".

CHAPTER VII

EMPLOYMENT OF YOUNG PERSONS.

Notice prescribed under sub-section (3) of Section 72.

85. *Notice of periods of work for children.*—The notice of periods of work for child workers shall be in Form No. 13, and it shall be maintained in the manner prescribed in sub-section (2) of Section 108 of the Act.

Register prescribed under sub-section (2) of Section 73.

86. *Register of child workers.*—The Register of child workers shall be in Form No. 14, and shall be maintained in accordance with the following provisions :—

(1) Where a child is transferred from one group to another, or from one relay to another, the following particulars of his transfer shall be entered against his name :—

(*a*) Under the group from which he has been transferred :—

(i) The date and actual time of finishing work in the group or relay, and

(ii) The group or relay to which he has been transferred, and

(*b*) under the group to which he has been transferred :—

(i) The date and actual time of commencing work in the group or relay, and

(ii) the group or relay from which he has been transferred.

(2) Where a child is discharged from or leaves his employment the date of his leaving or discharge as the case may be shall be entered against his name in the "Remarks" column.

(3) All entries in the Registers shall be made in ink and shall be legible.

CHAPTER VIII

LEAVE WITH WAGES.

Rules 87-94 prescribed under Sections 83 and 112.

87. *Leave with wages register.*—(1) The Manager shall keep a Register in Form No. 15, hereinafter called the Leave with Wages Register :

Provided that if the Chief Inspector is of the opinion that any muster-roll or register maintained as part of the routine of the factory, or return made by the Manager, gives, in respect of any or all of the workers in the factory, the particulars required for the enforcement of Chapter VIII of the Act, he may, by order in writing, direct that such muster-roll or register or return shall, to the corresponding extent, be maintained in place of and be treated as the register or return required under this Rule in respect of that factory.

(2) The Leave with Wages Register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

88. *Leave Book.*—(1) The Manager shall provide each worker with a book in Form No. 16 (hereinafter called the Leave Book). The Leave Book shall be the property of the worker and the Manager or his agent shall not demand it except to make entries of the dates of holidays or interruptions in service, and shall not keep it for more than a week at a time.

(2) If a worker loses his Leave Book, the Manager shall provide him with another copy on the payment of anna one, and shall complete it from his record.

89. *Medical certificate.*—If any worker is absent from work and it appears that his absence is due to illness, he shall, if so required by his Manager by a notice in writing, submit a medical certificate signed by a registered medical practitioner or by a registered or recognised vaid or hakim stating the cause of the absence and the period for which the worker is, in the opinion of such medical practitioner, vaid or hakim, unable to attend to his work.

90. *Notice to Inspector of involuntary unemployment.*—The Manager shall give, as soon as possible, a notice to the Inspector of every case of involuntary unemployment of workers, giving numbers of unemployed and the reason for their unemployment. Entries to this effect shall be made in the Leave with Wages Register and the Leave Book in respect of each worker concerned.

91. *Notice by worker.*—Before or on the completion of a period of twelve months continuous service in the factory, as defined in Section 79, a worker may give notice to the Manager of his intention not to avail himself of holidays falling due in the following period of twelve months. The

Manager shall make an entry to that effect in the Leave with Wages Register and in the Leave Book of the worker concerned.

92. *Notice of leave with wages.*—(1) Except in regard to a worker who has given notice of his intention not to avail himself of holidays in the year in which these fall due, the Manager shall by a notice displayed at the place at which the notice of the periods of work required by Section 61 is displayed, fix the dates on which leave with wages shall be allowed to each worker or group of workers including any worker who has accumulated his leave. This date shall not, in an individual case, be earlier than four weeks from the date of notice unless the worker agrees to take the leave earlier. The necessary entries shall be made in the Leave with Wages Register and the Leave Book of the worker concerned.

(2) As far as circumstances permit members of the same family, comprising husband, wife and children shall be allowed leave on the same date.

(3) The Manager may alter the dates fixed for leave only after giving a notice of four weeks to the worker.

(4) A worker may exchange the period of his leave with another worker, subject to the approval of the Manager.

93. *Payment of wages if the worker dies.*—If worker dies before he resumes work, the balance of his pay, due for the period of leave, shall be paid to his nominee within one week of the receipt of intimation of death of the worker.

94. *Register to be maintained in case of exemption under Section* 84.—(1) Where an exemption is granted under Section 84, the Manager shall maintain a Register showing the position of each worker as regards leave due, leave taken and wages granted.

(2) He shall dispaly at the main entrance of the factory, a notice giving full details of the system established in the factory for leave with wages and shall send a copy of it to the Inspector.

(3) No alteration shall be made in the scheme approved by the State Government at the time of granting exemption under Section 84 without its previous sanction.

CHAPTER IX

SPECIAL PROVISIONS

95. *Dangerous Operations.*—(1) The following operations when carried on in any factory are declared to be dangerous operations under Section 87 :— Rule prescribed under Section 87.

1. Manufacture of aerated water and process incidental thereto.
2. Electrolytic plating or oxidation of metal articles by use of an electrolyte containing chromic acid or other chromium compounds.
3. Manufacture and repair of electric accumulators.
4. Glass manufacture.
5. Grinding or glazing of metals.
6. Manufacture and treatment of lead and certain compounds of lead.
7. Generating petrol gas from petrol.
8. Cleaning or smoothing of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam.
9. Liming and tanning of raw hides and skins and processes incidental thereto.
10. Cellulose spraying.
11. Graphite powdering and incidental processes.

(2) The provisions specified in the Schedules annexed hereto shall apply to any class or description of factories wherein dangercus operations specified in each Schedule are carried out.

SCHEDULE I

(Manufacture of Aerated Waters and processes incidental thereto)

1. *Fencing of machines.*—All machines for filling bottles or syphons shall be so constructed, placed or fenced, as to prevent, as far as may be practicable, a fragment of a bursting bottle or syphon from striking any person employed in the factory.

2. *Face guards and gauntlets.*—(1) The occupier shall provide and maintain in good condition for the use of all persons engaged in filling bottles or syphons :—

(a) suitable face-guards to protect the face, neck and throat, and

(b) suitable gauntlets for both arms to protect the whole hand and arms :

Provided that —

(i) paragraph 2(1) shall not apply where bottles are filled by means of an automatic machine so constructed that no fragment of a bursting bottle can escape, and

(ii) where a machine is so constructed that only one arm of the bottler at work upon it is exposed to danger, a gauntlet need not be provided for the arm which is not exposed to danger.

(2) The occupier shall provide and maintain in good condition for the use of all persons engaged in corking, crowning, screwing, wiring, foiling, capsuling, sighting or labelling bottles or syphons—

(a) suitable face-guards to protect the face, neck and throat, and

(b) suitable gauntlets for both arms to protect the arm and at least half of the palm and the space between the thumb and forefinger.

3. *Wearing of face-guards and gauntlets.*—All persons engaged in any of the processes specified in paragraph 2 shall, while at work in such processes, wear the face-guards and gauntlets provided under the provisions of the said paragraph.

SCHEDULE II

(Electrolytic plating or oxidation of metal articles by use of an electrolyte containing chromic acid or other chromium compounds)

1. *Definitions.*—For the purposes of this Schedule:—

(a) "Electrolytic chromium process" means the electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds.

(b) "Bath" means any vessel used for an electrolytic chromium process or for any subsequent process.

(c) "Employed" means in paragraphs 5, 7, 8 and 9 of this Schedule, employed in any process involving contact with liquid from a bath.

(d) "Suspension" means suspension from employment in any process involving contact with liquid from any bath by written certificate in the Health Register, signed by the Certifying Surgeon, who shall have power of suspension as regards all persons employed in any such process.

2. *Exhaust draught.*—An efficient exhaust draught shall be applied to every vessel in which an electrolytic chromium process is carried on. Such draught shall be provided by mechanical means and shall operate on the vapour or spray given off in the process as near as may be at the point of origin. The exhaust

draught appliance shall be so constructed, arranged and maintained as to prevent the vapour or spray entering into any room or place in which work is carried on.

3. *Prohibition relating to women and young persons.*—No woman, adolescent or child shall be employed or permitted to work at a bath.

4. *Floor of workrooms.*—The floor of every room containing a bath shall be impervious to water. The floor shall be maintained in good and level condition and shall be washed down at least once a day.

5. *Protective clothing.*—(1) The occupier of the factory shall provide and maintain in good and clean condition the following articles of protective clothing for the use of all persons employed on any process at which they are liable to come in contact with liquid from a bath and such clothing shall be worn by the persons concerned :—

(a) water-proof aprons and bibs, and

(b) for persons actually working at a bath, loose-fitting rubber gloves and rubber boots or other water-proof footwear.

(2) The occupier shall provide and maintain for the use of all persons employed suitable accommodation for the storage and adequate arrangements for the drying of the protective clothing.

6. *Medical requisites.*—The occupier shall provide and maintain a sufficient supply of suitable ointment and impermeable water-proof plaster in a separate box readily accessible to the workers and used solely for the purpose of keeping the ointment and plaster.

7. *Medical examination.*—(a) Every person employed shall be examined by the Certifying Surgeon once in every 14 days and such examination shall take place at the factory.

(b) A Health Register in the prescribed Form No. 17 shall be kept by the occupier of the factory and in it shall be entered the names of all persons employed together with such entries as the Certifying Surgeon may make from time to time.

(c) No person after suspension shall be employed without written sanction from the Certifying Surgeon entered in or attached to the Health Register.

8. *Cautionary placard.*—A Cautionary placard in the form specified by the Chief Inspector and printed in the language of the majority of the workers employed shall be affixed in a prominent place in the factory where it can be easily and conveniently read by the workers.

9. *Weekly examination.*—A responsible person appointed in writing by occupier of the factory shall twice in every week inspect the hands and forearms of all persons employed and shall keep a record of such inspections in the Health Register.

SCHEDULE III.

(Manufacture and repair of electric accumulators).

1. *Savings.*—This schedule shall not apply to the manufacture or repair of electric accumulators or parts thereof not containing lead or any compound of lead; or to the repair on the premises, of any accumulator forming part of a stationary battery.

2. *Definitions.*—For the purposes of this Schedule:—

(a) "Lead process" means the melting of lead or any material containing lead, casting, pasting, lead burning, or any other work, including trimming, or any other abrading or cutting of pasted plates, involving the use, movement or manipulation of, or contact with, any oxide of lead.

(b) "Manipulation of raw oxide of lead" means nany lead process involving any manipulation or movemeet of raw oxides of lead other than its conveyance in a rceptacle or by means of an implement from one operation to another.

(c) "Suspension" means suspension from employment in any lead process by written certificates in the Health Register (Form No. 17) signed by the Certifying Surgeon, who shall have power of suspension as regards all persons employed in any such process.

3. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in any lead process or in any room in which the manipulation of raw oxide of lead or pasting is carried on.

4. *Separation of certain processes.*—Each of the following processes shall be carried on in such a manner and under such conditions as to secure effectual separation from one another, and from any other process:—

(a) Manipulation of raw oxide of lead;

(b) Pasting;

(c) Drying of pasted plates;

(d) Formation with lead burning ("tacking") necessaril carried on in connection therewith;

(e) Melting down of pasted plates.

5. *Air space.*—In every room in which a lead process is carried on, there shall be at least 500 cubic feet of air space for each person employed therein, and in computing this air space no height over 12 feet shall be taken into account.

6. *Ventilation.*—Every workroom shall be provided with inlets and outlets of adequate size as to secure and maintain efficient ventilation in all parts of the room.

7. *Distance between workers in pasting room.*—In every pasting room the distance between the centre of the working position of any paster and that of the paster working nearest to him shall not be less than five feet.

8. *Floor of workrooms.*—(1) The floor of every room in which a lead process is carried on shall be—

(a) of cement or similar material so as to be smooth and impervious to water;
(b) maintained in sound condition;
(c) kept free from materials, plant, or other obstruction not required for, or produced in, the process carried on in the room.

(2) In all such rooms other than grid casting shops the floor shall be—

(d) cleansed daily after being thoroughly sprayed with water at a time when no other work is being carried on in the room.

(3) In grid casting shops the floor shall be cleansed daily.

(4) Without prejudice to the requirements of sub-paragraphs (1), (2) and (3), where manipulation of raw oxide of lead or pasting is carried on, the floor shall also be—

(a) kept constantly moist while work is being done;
(b) provided with suitable and adequate arrangements for drainage;
(c) thoroughly washed daily by means of a hose pipe.

9. *Work-benches.*—The work-benches at which any lead process is carried on shall—

(a) have a smooth surface and be maintained in sound condition;
(b) be kept free from all materials or plant not required for, or produced in, the process carried on thereat;

and all such work-benches other than those in grid casting shops shall—

(c) be cleansed daily either after being thoroughly damped or by means of a suction cleansing apparatus at a time when no other work is being carried on thereat;

and, all such work-benches in grid casting shops, shall—

(d) be cleansed daily;

and every work-bench used for pasting shall—

(e) be covered throughout with sheet lead or other impervious material;
(f) be provided with raised edges;
(g) be kept constantly moist while pasting is being carried on.

10. *Exhaust draught.*—The following processes shall not be carried on without the use of an efficient exhaust draught:—

(a) Melting of lead or materials containing lead;
(b) Manipulation of raw oxide of lead, unless done in an enclosed apparatus so as to prevent the escape of dust into the workroom;
(c) Pasting;
(d) Trimming, brushing, filing or any other abrading or cutting of pasted plates giving rise to dust;
(e) Lead burning, other than—
  (i) "tacking" in the formation room;
  (ii) chemical burning for the making of lead lining for cell cases necessarily carried on in such a manner that the application of efficient exhaust is impracticable.

Such exhaust draught shall be effected by mechanical means and shall operate on the dust or fume given off as nearly as may be at its point of origin, so as to prevent it entering the air of any room in which persons work.

11. *Fumes and gases from melting pots.*—The products of combustion produced in the heating of any melting pot shall not be allowed to escape into a room in which persons work.

12. *Container for dross.*—A suitable receptacle with tightly fitting cover shall be provided and used for dross as it is removed from every melting pot. Such receptacle shall be kept covered while in the workroom, except when dross is being deposited therein.

13. *Container for lead waste.*—A suitable receptacle shall be provided in every workroom in which old plates and waste material which may give rise to dust shall be deposited.

14. *Racks and shelves in drying room.*—The racks of shelves provided in any drying room shall not be more than eight feet from the floor nor more than two feet in width: provided that as regards racks or shelves set or drawn from both sides the total width shall not exceed four feet.

Such racks or shelves shall be cleaned only after being thoroughly damped unless an efficient suction cleaning apparatus is used for this purpose.

15. *Medical examination.*—(a) Every person employed in a lead process shall be examined by the Certifying Surgeon within the seven days preceding or following the date of his first employment in such process and thereafter shall be examined by the Certifying Surgeon once in every calendar month, or at such other intervals as may be specified in writing by the Chief Inspector, on a day of which due notice shall be given to all concerned.

"First employment" means first employment in a lead process in the factory or workshop and also re-employment therein in a lead process following any cessation of employment in such process for a period exceeding three calendar months.

(b) A Health Register in Form No. 17 containing the names of all persons employed in a lead process shall be kept.

(c) No person after suspension shall be employed in a lead process without written sanction from the Certifying Surgeon entered in or attached to the Health Register.

16. *Protective clothing.*—Protective clothing shall be provided and maintained in good repair for all persons employed in—

(a) manipulation of raw oxide of lead;
(b) pasting;
(c) the formation room;

and such clothing shall be worn by the persons concerned. The protective clothing shall consist of a waterproof apron and waterproof footwear; and, also, as regards persons employed in the manipulation of raw oxide of lead or in pasting, head coverings. The head coverings shall be washed daily.

17. *Mess room.*—There shall be provided and maintained for the use of all persons employed in a lead process and remaining on the premises during the meal intervals, a suitable mess-room, which shall be furnished with (a) sufficient tables and benches, and (b) adequate means for warming food.

The mess-room shall be provided under the charge of a responsible person, and shall be kept clean.

18. *Cloak room.*—There shall be provided and maintained for hte use of all persons employed in a lead process—

(a) a cloak room for clothing put off during working hours with adequate arrangements for drying the clothing if wet. Such accommodation shall be separate from any mess-room.
(b) separate and suitable arrangements for the storage of protective clothing provided under Paragraph 16.

19. *Washing facilities.*—There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in a lead process—

(a) A wash place under cover, with either—
(i) a trough with a smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow of at least two feet for every five such persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or

(ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of water laid on;

(iii) a sufficient supply of clean towels made of suitable materials renewed daily, which supply, in the case of pasters and persons employed in the manipulation of raw oxide of lead, shall include a separate marked towel for each such worker; and

(iv) a sufficient supply of soap or other suitable cleansing material and of nail brushes.

(b) There shall in addition be provided means of washing in close proximity to the rooms in which manipulation of raw oxide of lead or pasting is carried on if required by notice in writing from the Chief Inspector.

20. *Time to be allowed for washing.*—Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person who has been employed in the manipulation of raw oxide of lead or in pasting:

Provided that if there be one basin or two feet of trough for each such person this Paragraph shall not apply.

21. *Facilities for bathing.*—Sufficient bath accommodation to the satisfaction of the Chief Inspector shall be provided for all persons engaged in the manipulation of raw oxide of lead or in pasting, and a sufficient supply of soap and clean towels.

22. *Food, drinks, etc., prohibited in work-rooms.*—No food, drink, pan and supari or tobacco shall be consumed or brought by any worker into any work-room in which any lead process is carried on.

SCHEDULE IV.

(Glass Manufacture)

1. *Exemption.*—If the Chief Inspector is satisfied in respect of any factory or any class of process that, owing to the special methods of work or the special conditions in a factory or otherwise, any of the requirements of this Schedule can be suspended or relaxed without danger to the persons employed therein, or that the application of this Schedule or any part thereof is for any reason impracticable, he may by certificate in writing authorise such suspension or relaxation as may be indicated in the certificate for such period and on such conditions as he may think fit.

2. *Definitions.*—For the purposes of this Schedule—

(a) "Efficient exhaust draught" means localised ventilation effected by mechanical means for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fume, or dust originate.

(b) "Lead compound" means any compound of lead other than galena which, when treated in the manner described below, yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis.

The method of treatment shall be as follows:—

A weighed quantity of the material which has been dried at 100°C. and thoroughly mixed shall be continuously, shaken for one hour, at the common temperature with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent by weight of hydrogen chloride. This solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

(c) "Suspension" means suspension from employment in any process specified in paragraph 3 by written certificate in the Health Register, Form No. 17, signed by the Certifying Surgeon who shall have power of suspension as regards all persons employed in any such process.

3. *Exhaust draught.*—The following processes shall not be carried on except under an efficient exhaust draught or under such other conditions as may be approved by the Chief Inspector:—

(a) The mixing of raw materials to form a "batch".

(b) The dry grinding, glazing and polishing of glass or any article of glass.

(c) All processes in which hydrofluoric acid fumes or ammoniacal vapours are given off.

(d) All processes in the making of furnace moulds or "pots" including the grinding or crushing of used "pots".

(e) All processes involving the use of a dry lead compound.

4. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work

in any of the operations specified in paragraph 3 or at any place where such operations are carried on.

5. *Floors and work-benches.*—The floor and work-benches of every room in which a dry compound of lead is manipulated or in which any process is carried on giving off silica dust shall be kept moist and shall comply with the following requirements:—

The floors shall be—

(a) of cement or similar material so as to be smooth and impervious to water;

(b) maintained in sound condition; and

(c) cleansed daily after being thoroughly spread with water at a time when no other work is being carried on in the room.

The work-benches shall—

(a) have a smooth surface and be maintained in sound condition, and

(b) be cleansed daily either after being thoroughly damped or by means of a suction cleaning apparatus at a time when no other work is being carried on thereat.

6. *Use of Hydrofluoric Acid.*—The following provisions shall apply to rooms in which glass is treated with hydrofluoric acid:—

(a) There shall be inlets and outlets of adequate size so as to secure and maintain efficient ventilation in all parts of the room:

(b) The floor shall be covered with guttaparcha and be tight and shall slope gently down to a covered drain:

(c) The workplaces shall be so enclosed in projecting hoods that openings required for bringing in the objects to be treated shall be as small as practicable: and

(d) The efficient exhaust draught shall be so contrived that the gases are exhausted downwards.

7. *Storage and transport of Hydrofluoric Acid.*—Hydrofluoric acid shall not be stored or transported except in cylinders or receptacles made of lead or rubber.

8. *Blow-pipes.*—Every glass blower shall be provided with a separate blow pipe bearing the distinguishing mark of the person to whom it is issued and suitable facilities shall be readily available to every glass blower for sterilising his blow pipe.

9. *Food, drinks, etc., prohibited in work-rooms.*—No food, drink, pan and supari or tobacco shall be brought into or consumed by any worker in any room or work-place wherein any process specified in paragraph 3 is carried on.

10. *Protective clothing.*—The occupier shall provide, maintain in good repair and keep in a clean condition for the use of

all persons employed in the processes specified in paragraph 3 suitable protective clothing, footwear and goggles according to the nature of the work and such clothing, footwear, etc., shall be worn by the persons concerned.

11. *Washing facilities.*—There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in the processes specified in paragraph 3—

(a) a wash place with either—

(i) a trough with a smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow of at least two feet for every five such persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than 2 feet; or

(ii) at least one wash basin for every five such persons employed at any one time, fitted with a waste pipe and plug and having an adequate supply of water laid on or always readily available;

and

(b) a sufficient supply of clean towels made of suitable material renewed daily with a sufficient supply of soap or other suitable cleansing material and of nail brushes;

and

(c) a sufficient number of stand pipes with taps—the number and location of such stand pipes shall be to the satisfaction of the Chief Inspector.

12. *Medical Examination.*—(a) Every person employed in any process specified in paragraph 3, shall be examined by the Certifying Surgeon within seven days preceding or following the date of his first employment in such process and thereafter shall be examined by the Certifying Surgeon once in every calendar month or at such other intervals as may be specified in writing by the Chief Inspector on a day of which due notice shall be given to all concerned.

(b) A Health Register in Form No. 17 containing the names of all persons employed in any process specified in paragraph 3 shall be kept.

(c) No person after suspension shall be employed in any process specified in paragraph 3 without written sanction from the Certifying Surgeon entered in or attached to the Health Register.

SCHEDULE V.

(Grinding or glazing of metals and processes incidental thereto)

1. *Definitions.*—For the purposes of this Schedule—

(a) "Grindstone" means a grindstone composed of natural or manufactured sandstone but does not include a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted.

(b) "Abrasive wheel" means a wheel manufactured of bonded emery or similar abrasive.

(c) "Grinding" means the abrasion, by aid of mechanical power, of metal, by means of a grindstone or abrasive wheel.

(d) "Glazing" means the abrading, polishing or finishing, by aid of mechanical power, of metal, by means of any wheel, buff, mop or similar appliance to which any abrading or polishing substance is attached or applied.

(e) "Recing" means the turning up, cutting or dressing of a revolving grindstone before it is brought into use for the first time.

(f) "Hacking" means the chipping of the surface of a grindstone by a hack or similar tool.

(g) "Rodding" means the dressing of the surface of a revolving grindstone by the application of a rod, bar or strip of metal to such surface.

2. *Exceptions.*—(1) Nothing in this Schedule shall apply to any factory in which only repairs are carried on except any part thereof in which one or more persons are wholly or mainly employed in the grinding or glazing of metals.

(2) Nothing in this Schedule except paragraph 4 shall apply to any grinding or glazing of metals carried on intermittently and at which no person is employed for more than 12 hours in any week.

(3) The Chief Inspector may by certificate in writing, subject to such conditions as he may specify therein, relax or suspend any of the provisions of this Schedule in respect of any factory if owing to the special methods of work or otherwise such relaxation or suspension is practicable without danger to the health or safety of the persons employed.

3. *Equipment for removal of dust.*—No recing, dry grinding or glazing shall be performed without;—

(a) a hood or other appliance so constructed, arranged, placed and maintained as substantially to intercept the dust thrown off; and

(b) a duct of adequate size, air tight and so arranged as to be capable of carrying away the dust, which duct shall be kept free from obstruction and shall be provided with proper means of access for inspection and cleaning, and where practicable, with a connection at the end remote from the fan to enable the Inspector to attach thereto any instrument necessary for ascertaining the pressure of air in the said duct; and

(c) a fan or other efficient means of producing a draught sufficient to extract the dust:

Provided that the Chief Inspector may accept any other appliance that is, in his opinion, as effectual for the interception, removal and disposal of dust thrown off as a hood, duct and fan would be.

4. *Restriction on employment on grinding operations.*—Not more than one person shall at any time perform the actual process of grinding or glazing upon a grindstone, abrasive wheel or glazing appliance:

Provided that this paragraph shall not prohibit the employment of persons to assist in the manipulation of heavy or bulky articles at any such grindstone, abrasive wheel or glazing appliance.

5. *Glazing.*—Glazing or other processes, except processes incidental to wet grinding upon a grindstone shall not be carried on in any room in which wet grinding upon a grindstone is done.

6. *Hacking and rodding.*—Hacking or rodding shall not be done unless during the process either (*a*) an adequate supply of water is laid on at the upper surface of the grindstone or (*b*) adequate appliances for the interception of dust are provided in accordance with the requirements of paragraph 3.

7. *Examination of dust equipment.*—(a) All equipment for the extraction or suppression of dust shall at least once in every six months be examined and tested by a competent person, and any defect disclosed by such examination and test shall be rectified as soon as practicable.

(b) A register containing particulars of such examination and test shall be kept in a form approved by the Chief Inspector.

SCHEDULE VI.

(Manufacture and treatment of lead and certain compounds of lead.)

1. *Exemptions.*—Where the Chief Inspector is satisfied that all or any of the provisions of this Schedule are not necessary for

the protection of the persons employed, he may by certificate in writing exempt any factory from all or any of such provisions, subject to such conditions as he may specify therein.

2. *Definitions.*—For the purposes of this Schedule:—

(a) "Lead Compound" means any compound of lead other than galena which, when treated in the manner described below, yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis. In the case of paints and similar products and other mixtures containing oil or fat the "dry weight" means the dry weight of the material remaining after the substance has been thoroughly mixed and treated with suitable solvents to remove oil, fats, varnish or other media.

The method of treatment shall be as follows:—

(a) A weighed quantity of the material which has been dried at 100°C and thoroughly mixed shall be continuously shaken for one hour, at the common temperature with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent by weight of hydrogen chloride. This solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

(b) "Efficient Exhaust draught" means localised ventilation affected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fumes or dust originate.

3. *Application.*—This Schedule shall apply to all factories or parts of factories in which any of the following operations are carried on:—

(a) Work at a furnace where the reduction or treatment of zinc or lead ores is carried on.

(b) The manipulation, treatment or reduction of ashes containing lead, the desilverising of lead or the melting of scrap lead or zinc.

(c) The manufacture of solder or alloys containing more than ten per cent of lead.

(d) The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate or silicate of lead.

(e) Handling or mixing of lead tetra-ethyl.

(f) Any other operation involving the use of a lead compound.

(g) The cleaning of workrooms where any of the operations aforesaid are carried on.

4. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in any of the operations specified in paragraph 3.

5. *Requirements to be observed.*—No person shall be employed or permitted to work in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment unless the provisions of paragraphs 6 to 14 are complied with.

6. *Exhaust draught.*—Where dust, fume, gas or vapour is produced in the process, provision shall be made for removing them by means of an efficient exhaust draught so contrived as to operate on the dust, fume, gas or vapour as closely as possible to the point of origin.

7. *Certificate of fitness.*—The person so employed has been granted by a Certifying Surgeon a certificate of fitness in Form No. 26 and such certificate is in the custody of the Manager of the factory. The certificate shall be kept readily available for inspection by any Inspector and the person granted such a certificate shall carry with him, while at work, a token giving reference to such certificate.

8. *Medical Examination.*—(1) The person so employed shall be medically examined by a Certifying Surgeon within 14 days of his first employment in such process and thereafter shall be examined by the Certifying Surgeon at intervals of not more than three months, and a record of such examinations shall be entered by the Certifying Surgeon in the special certificate of fitness granted under paragraph 7.

(2) If at any time the Certifying Surgeon is of opinion that any person is no longer fit for employment on the grounds that continuance therein would involve special danger to health, he shall cancel the special certificate of fitness of that person.

(3) No person whose special certificate of fitness has been cancelled shall be employed unless the Certifying Surgeon, after re-examination, again certifies him to be fit for employment.

9. *Food, drinks, etc, prohibited in work-rooms.*—No food, drink, pan and supari or tobacco shall be brought into or consumed by any worker in any work-room in which the process is carried on and no person shall remain in any such room during intervals for meals or rest.

10. *Protective clothing.*—Suitable protective overalls and head coverings shall be provided, maintained and kept clean by the factory occupier and such overalls and head coverings shall be worn by the persons employed.

11. *Cleanliness of work-rooms, tools, etc.*—The rooms in which the persons are employed and all tools and apparatus used by them shall be kept in a clean state.

12. *Washing Facilities.*—(1) The occupier shall provide and maintain for the use of all persons employed suitable washing facilities consisting of :—

(a) a trough with a smooth impervious surface fitted with a waste pipe without plug and of sufficient length to allow at least two feet for every ten persons employed at any one time, and having a constant supply of clean water from taps or jets above the trough at intervals of not more than two feet ; or

(b) at least one wash-basin for every ten persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of clean water ;

together with, in either case, a sufficient supply of nail brushes, soap or other suitable cleansing material and clean towels.

(2) The facilities so provided shall be placed under the charge of a responsible person and shall be kept clean.

13. *Mess-room or Canteen.*—The occupier shall provide and maintain for the use of the persons employed suitable and adequate arrangements for taking their meals. The arrangements shall consist of the use of a room separate from any work-room which shall be furnished with sufficient tables and benches, and unless a canteen serving hot meals is provided, adequate means of warming food. The room shall be adequately ventilated by the circulation of fresh air, shall be placed under the charge of a responsible person and shall be kept clean.

14. *Cloak-room.*—The occupier shall provide and maintain for the use of persons employed, suitable accommodation for clothing not worn during working hours, and for the drying of wet clothing.

SCHEDULE VII.

(Generating petrol gas from petrol)

1. *Prohibition relating to women and young persons.*—No woman or young person shall be employed or permitted to work in or shall be allowed to enter any building in which the generating of petrol gas from petrol is carried on.

2. *Flame traps.*—The plant for generating petrol gas from petrol and associated piping and fittings shall be fitted with at least two efficient flame traps so designed and maintained as to prevent a flash back from any burner to the plant. One of these traps shall be fitted as close to the plant as possible. The plant and all pipes and valves shall be installed and maintained free from leaks.

3. *Generating building or room.*—All plants for generating petrol gas from petrol erected after the coming into force of the provisions specified in this Schedule, shall be erected outside the factory building proper in a separate well ventilated building (hereinafter referred to as the "generating building"). In the case of such plant erected before the coming into force of the provisions specified in this Schedule, there shall be no direct communication between the room where such plants are erected (hereinafter referred to as "the generating room") and the remainder of the factory building. So far as practicable, all such generating rooms shall be constructed of fire-resisting materials.

4. *Fire extinguishers.*—An efficient means of extinguishing petrol fires shall be maintained in an easily accessible position near the plant for generating petrol gas from petrol.

5. *Plant to be approved by Chief Inspector.*—Petrol gas shall not be manufactured except in a plant for generating petrol gas the design and construction of which has been approved by the Chief Inspector.

6. *Escape of petrol.*—Effective steps shall be taken to prevent petrol from escaping into any drain or sewer.

7. *Prohibition relating to smoking.*—No person shall smoke or carry matches, fire or naked light or other means of producing a naked light or spark in the generating room or building or in the vicinity thereof and a warning notice in the language understood by the majority of the workers shall be posted in the factory prohibiting smoking and the carrying of matches, fire or naked light or other means of producing a naked light or spark into such room or building.

8. *Access to petrol or container.*—No unauthorised person shall have access to any petrol or to a vessel containing or having actually contained petrol.

9. *Electric fittings.*—All electric fittings shall be of flame-proof construction and all electric conductors shall either be enclosed in metal conduits or be lead-sheathed.

10. *Construction of doors.*—All doors in the generating room or building shall be constructed to open outwards or to slide and no door shall be locked or obstructed or fastened in such a

manner that it cannot be easily and immediately opened from the inside while gas is being generated and any person is working in the generating room or building.

11. *Repair of containers.*—No vessel that has contained petrol shall be repaired in a generating room or building and no repairs to any such vessel shall be undertaken unless live steam has been blown into the vessel and until the interior is thoroughly steamed out or other equally effective steps have been taken to ensure that it has been rendered free from petrol or inflammable vapour.

SCHEDULE VIII.

(Cleaning or smoothing of articles by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam).

1. *Definition.*—For the purposes of this Schedule "Sand blasting" means the blasting of any articles by a jet of sand, metal shot, grit or other abrasive.

2. *Sand blasting to be done in enclosed chamber.*—Sand blasting shall not be done in any room except in an enclosed chamber or cabinet in which no other work is performed and at which efficient means are provided, arranged and maintained to prevent the escape of dust to the outside of such chamber or cabinet.

3. *Prohibition relating to employment of women and young persons.*—No woman or young person shall be employed or permitted to work at any operation of sand blasting.

4. *Protective equipment.*—(1) Unless he is wearing a suitable protective helmet and gauntlets;

(*a*) no person shall be employed or permitted to work at blasting in the open air or work within thirty feet of sand blasting apparatus in operation in the open air; and

(*b*) no person shall be employed or permitted to work or allowed in a sand blasting chamber whilst the sand blasting apparatus is in operation.

(2) The occupier of the factory shall provide and maintain in good condition all helmets, overalls and gauntlets that are necessary to comply with the requirements of this Schedule.

(3) Every protective helmet shall carry the distinguishing mark of the person by whom it is to be used and shall be provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(4) No person shall wear a protective helmet that has been worn by another person unless such protective helmet shall have been thoroughly disinfected.

(5) All persons engaged in sand blasting while at work shall wear the protective equipment provided under the provisions of this paragraph.

SCHEDULE IX.

(Liming and tanning of raw hides and skins and processes incidental thereto).

1. *Cautionary notices.*—(1) Cautionary notices as to anthrax in the form specified by the Chief Inspector shall be affixed in prominent positions in the factory where they may be easily and conveniently read by the persons employed.

(2) A copy of a warning notice as to anthrax in the form specified by the Chief Inspector shall be given to each person employed when he is engaged, and subsequently if still employed, on the first day of each calendar year.

(3) Cautionary notices as to the effects of chrome on the skin shall be affixed in prominent positions in every factory in which chrome solutions are used and such notices shall be so placed as to be easily and conveniently read by the persons employed.

(4) Notices shall be affixed in prominent places in the factory stating the position of the "First Aid" box or cupboard and the name of the person in charge of such box or cupboard.

(5) If any person employed in the factory is illiterate, effective steps shall be taken to explain carefully to such illiterate person the contents of the notice specified in sub-paragraphs 1, 2 and 4 and if chrome solutions are used in the factory, the contents of the notice specified in sub-paragraph 3.

2. *Protective clothing.*—The occupier shall provide and maintain in good condition the following articles of protective clothing:—

(*a*) Waterproof footwear, leg coverings, aprons and rubber gloves for persons employed in processes involving contact with chrome solutions including the preparation of such solutions;

(*b*) protective footwear, aprons and gloves for persons employed in the handling of hides or skins other than in processes specified in clause (*a*):

Provided that gloves shall not be required for persons fleshing by hand or where there is no risk of contact with lime, sodium sulphide or other caustic liquor.

3. *Washing facilities, mess room and cloak room.*—There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed—

(*a*) a trough with a smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow of at least two feet for every ten persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or

(*b*) at least one wash basin for every ten such persons employed at any one time, fitted with a waste pipe and plug and having a constant supply of water; together with, in either case, a sufficient supply of nail brushes, soap or other suitable cleansing material, and clean towels;

(*c*) a suitable mess-room, adequate for the number remaining on the premises during the meal intervals, which shall be furnished with (1) sufficient tables and benches and (2) adequate means for warming food and for boiling water;

The mess-room shall (1) be separate from any room or shed in which hides or skins are stored, treated or manipulated, (2) be separate from the cloak-room, and (3) be placed under the charge of a responsible person;

(*d*) suitable accommodation for clothing not worn during working hours with adequate arrangements for drying the clothing if wet. The accommodation so provided shall be placed under the charge of a responsible person.

4. *Food, drinks, etc., prohibited in work-rooms.*—No food, drink, pan and supari or tobacco shall be brought into or consumed by any worker in any work-room or shed in which hides or skins are stored, treated or manipulated.

5. *First aid arrangements.*—The occupier shall:

(*a*) arrange for an inspection of the hands of all persons coming into contact with chrome solutions to be made twice a week by a responsible person;

(*b*) provide and maintain a sufficient supply of suitable ointment and impermeable waterproof plaster in a box readily accessible to the worker and used solely for the purpose of keeping the ointment and plaster.

Rule prescribed under Section 88.

96. *Notification of accidents.*—(1) When any accident or occurrence specified in the Schedule takes place in a factory, the manager of the factory shall forthwith send notice thereof by telephone, special messenger or telegram

to the Inspector and if the accident is fatal, or of such a serious nature that it is likely to prove fatal, notice as aforesaid shall also be sent to—

(a) the District Magistrate or Sub-Divisional Officer, and

(b) the Officer-in-charge of the nearest police station.

(2) The notice so given shall be confirmed by the Manager of the factory to the abovementioned authorities within 12 hours of the occurrence by sending to them a written report in the prescribed Form No. 18.

SCHEDULE X.

Cellulose Spraying.

1. *Application.*—The provisions of this schedule shall apply to all factories or parts of factories in which the spraying of cellulose ester paints, or lacquers is carried on.

2. *Prohibition of the Employment of Children and Adolescents.*—No child or adolescent shall be employed in any factory on the operation specified in paragraph 1 above.

3. *Exhaust Draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process specified in paragraph 1, above. The draught shall operate on the vapour given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation :

Provided that the Chief Inspector may grant exemption from these provisions if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.

4. *Position of spray operators.*—Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between a ventilating outfit and the article being sprayed.

SCHEDULE XI.

Graphite Powering.

1. *Application.*—The provisions of this schedule shall apply to all factories or parts of factories in which the grinding and sieving of graphite and the processes incidental thereto are carried on.

2. *Prohibition of employment of Women, Children and adolescents.*—No woman, child or adolescent shall be employed in any factory upon any of the operations specified in paragraph 1 above.

3. *Medical Certificates and Examination.*—(1) No person shall be employed in any factory for more than fifteen days in the year upon any of the operations specified in paragraph 1 above unless a special certificate of fitness in Form No. 27, granted to him by a certifying surgeon appointed under section 10, is in the custody of the Manager of the factory.

(2) The Inspector of Factories may require that any person in respect of whom a certificate referred to in sub-paragraph 1 has been granted shall carry with him while at work a token giving reference to such certificate.

(3) Every person so employed shall be medically examined by a certifying surgeon at intervals of not more than six months and a record of such examinations shall be entered in the special certificate granted under sub-paragraph (1).

(4) If at any time a Certifying Surgeon is of opinion that any person is no longer fit for employment upon any of the operations specified in paragraph 1 above he shall cancel the special certificate of fitness granted to that person.

(5) No person whose special certificate of fitness has been cancelled shall be employed upon any of the operations specified in paragraph 1 above unless a Certifying Surgeon again certifies him to be fit.

4. *Exhaust Draughts.*—Provision shall be made for removing the dust produced in any of the operations specified in paragraph 1 above by means of an efficient exhaust draught so contrived as to operate on the dust as closely to the point of origin as possible:

Provided that where the provision of an exhaust draught is not reasonably practicable the Inspector may require—

(*a*) respirators of a type approved by him to be provided and maintained in a clean and efficient condition by the occupier and worn by every person working under such conditions; and

(*b*) the damping of floors, apparatus and material to prevent the raising of dust.

5. *Floors and Work-benches.*—(1) The floor of every room in which any person is employed upon any of the operations specified in paragraph 1 above shall be of cement or other impervious material.

(2) The tope of every work-bench in every such room shall be of impervious material.

(3) The said floors and work benches shall be kept clean and in good condition.

(4) The Inspector may, by order in writing, require the said floors and work benches to be kept wet in such manner as he may deem suitable, in order to reduce dust.

6. *Washing Facilities.*—The occupier shall provide and maintain in a clean state and in good repair for the use of persons employed upon any of the operations specified in paragraph 1 above either (*a*) a trough with smooth impervious surface fitted with a waste-pipe without plug, and of sufficient length to allow at least two feet for every five such persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet, or (*b*) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug having a constant supply of water, together with, in either case a sufficient supply of nail brushes, soap or other suitable cleaning material and clean towels.

7. *Food, Drink and Tobacco.*—No food, drink, pansupari or tobacco shall be brought into, or consumed in any room in which any person is employed upon any of the operations specified in paragraph 1 above.

8. *Protective Clothing.*—Adequate protective clothing such as overalls in a clean condition shall be provided by the occupier to every person employed upon any of the operations specified in paragraph 1 above.

9. *Exemptions.*—The Chief Inspector may exempt any factory or part of a factory from the provisions of paragraphs 4 to 7 to the extent he deems suitable, if he is satisfied that their observance is not necessary for safeguarding the health of the operatives.

SCHEDULE.

1. Accidents which cause—

(*a*) death to any person;

(*b*) such bodily injury as prevents or will probably prevent the person injured from working for a period of 48 hours immediately following the accident.

2. The following classes of occurrences, whether or not they are attended by personal injury or disablement:—

(*a*) Bursting of a vessel used for containing steam under pressure greater than atmospheric pressure other than

plant which comes within the scope of the Indian Boilers Act.

(b) Collapse or failure of a crane, derrick winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.

(c) Explosion or fire causing damage to any room or place in which persons are employed, or fire in rooms of cotton pressing factories when a cotton opener is in use.

(d) Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.

(e) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or building forming part of a factory or within the compound or curtilage of factory.

Rule prescribed under sub-section (1) of Section 89.

97. *Notice of poisoning or disease.*—A notice in Form No. 19 should be sent forthwith both to the Chief Inspector and to the Certifying Surgeon, by the Manager of a factory in which there occurs a case of lead, phosphorous mercury, manganese, arsenic, carbon bisulphide or benzene poisoning; or poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series; or of chrome ulceration, anthrax, silicosis, toxic anæmia, toxic jaundice, primary opitheliomatous cancer of the skin, or pathological manifestations due to radium or other radio-active substances or X-rays.

CHAPTER X

(SUPPLEMENTAL)

Rule prescribed under sub-section (1) of Section 107.

98. *Procedure in appeals.*—(1) An appeal presented under Section 107 shall lie to the Chief Inspector, or in cases where the order appealed against is an order passed by that officer, to the Provincial Government or to such authority as the Government may appoint in this behalf and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing court-fees stamp in accordance with Article 11 of Schedule II to the Court-fees Act, 1870, and shall be accompanied by a copy of the order appealed against.

(2) On receipt of the memorandum of appeal, the appellate authority shall, if it thinks fit or if the appellant

has requested that the appeal should be heard with the aid of assessors, call upon the body declared under sub-rule (3) to be representative of the industry concerned, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall appoint a second assessor itself. It shall then fix a date for the hearing of the appeal and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear upon such date to assist in the hearing of the appeal.

(3) The appellant shall state in the memorandum presented under sub-rule (1) whether he is a member of one or more of the following bodies. The body empowered to appoint the assessor shall,—

(*a*) if the appellant is a member of one of such bodies, be that body;

(*b*) if he is a member of two such bodies, be the body which the appellant desires should appoint such assessor, and

(*c*) if the appellant is not a member of any of the aforesaid bodies or if he does not state in the memorandum which of such bodies he desires should appoint the assessor, be the body which the appellant authority considers as the best fitted to represent the industry concerned.

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3.....

4.....

(4) An assessor appointed in accordance with the provisions of sub-rules 2 and 3 shall receive, for the hearing of the appeal, a fee to be fixed by the appellate authority, subject to a maximum of fifty rupees per diem. He shall also receive the actual travelling expenses. The fees and travelling expenses shall be paid to the assessors by Government; but where assessors have been appointed at the request of the appellant and the appeal has been decided wholly or partly against him the appellate authority may direct that the fees and travelling expenses of the assessors shall be paid in whole or in part by the appellant.

Rule prescribed under sub-section (1) of Section 108.

99. *Display of notices.*—The abstract of the Act and of the Rules required to be displayed in every factory shall be in Form No. 20.

Rule prescribed under Section 110.

100. *Returns.*—The Manager of every factory shall furnish to the Inspector or other officer appointed by the Government in this behalf the following returns, namely,—

(1) *Annual return.*—On or before the 15th January of each year, an annual return, in duplicate, in Form No. 21.

(2) *Annual return of holidays.*—Before the end of each year, a return giving notice of all the days on which it is intended to close the factory during the next ensuing year. This return shall be submitted whether the factory is or is not working during the year preceding the year to which the return relates :

Provided that the Government may dispense with this return in the case of any specified factory or of any class of factories or of factories in any particular area :

Provided further that the annual return of holidays shall be dispensed with in case of all factories—

(*a*) which regularly observe Sundays as holidays, or

(*b*) which regularly observe a fixed day in the week as a holiday, or

(*c*) which observe holidays according to a list approved by the Chief Inspector :

Provided, further, that where the Manager of any factory makes any departure from such a holiday or list of holidays as aforesaid, prior intimation shall be given to the Chief Inspector.

(3) *Half-yearly return.*—The Manager of every factory shall furnish to the Chief Inspector on or before the 15th July and 15th January of each year, a half-yearly return in duplicate in Form No. 22.

(4) *Leave with wages—Annual return.*—The Manager of every factory shall furnish to the Chief Inspector, not later than the 1st February of the year subsequent to that to which it relates, a return in Form No. 23.

(5) *Compensatory holidays—Annual return.*—The Manager of every factory shall furnish to the Chief Inspector, not later than the 1st February of the year subsequent to that to which it relates, a return in Form No. 24.

(6) *Canteen—Annual return.*—The Manager of every factory notified by the State Government wherein more than 250 workers are ordinarily employed shall furnish to the Chief Inspector not later than the 15th January of the year subsequent to that to which it relates a return in Form No. 28.

(7) *Creche—Annual return.*—The Manager of every factory wherein more than 50 women workers are ordinarily employed and provides creche shall furnish to the Chief Inspector not later than 1st February of the year subsequent to that to which it relates, a return in Form No. 29.

(8) *Shelters, Rest-rooms and Lunch rooms—Annual return.*—The Manager of every factory wherein more than 150 workers are ordinarily employed shall furnish to the Chief Inspector not later than the 15th January of the year subsequent to that to which it relates a return in Form No. 30.

Rule prescribed under Section 109.

101. *Service of notices.*—The despatch by post under registered cover of any notice or order shall be deemed sufficient service on the occupier, owner or manager of a factory of such notice or order.

Rules 102 to 105 prescribed under Section 112.

102. *Information required by the Inspector.*—The occupier, owner or manager of a factory shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act has been complied with or whether any order of an Inspector has been duly carried out. Any demand by an Inspector for any such information, if made, during the course of an inspection, shall be complied with forthwith if the information is available in the factory, or, if made in writing, shall be complied with within seven days of receipt thereof.

103. *Muster roll.*—The Manager of every factory shall maintain a muster-roll of all the workers employed in the factory in Form No. 25 showing (*a*) the name of each

worker, (b) the nature of his work, and (c) the daily attendance of the worker:

Provided that, if the daily attendance is noted in the Register of Adult Workers in Form No. 12, or the particulars required under this Rule are noted in any other register, a separate muster-roll required under this Rule need not be maintained.

104. *Register of accidents and dangerous occurrences.*—The Manager of every factory shall maintain a Register of all accidents and dangerous occurrences which occur in the factory in Form No. 26 showing the—

(a) Name of injured person (if any).

(b) Date of accident or dangerous occurrence.

(c) Date of report on Form No. 18 to Inspector.

(d) Nature of accident or dangerous occurrence.

(e) Date of return of injured person to work.

(f) Number of days of absence from work of injured person.

105. *Maintenance of Inspection Book.*—The Manager of every factory shall maintain a bound Inspection Book containing the following particulars and shall produce it when so required by the Inspector or Certifying Surgeon:—

(a) the exemptions granted or availed of by the factory in Form No. 28,

(b) the particulars of rooms in the factory in Form No. 29, and

(c) the particulars of lime-washing, colour-washing, painting, varnishing or tarring as the case may be, in Form No. 7.

106. The particulars of measurements of each room in the factory in which workers are employed shall be entered in Form No. 29.

107. (1) The maximum number of workers who may be employed in each work-room or work-hall shall be posted prominently by means of a notice painted on the internal wall in each such room or hall. When determining the maximum number of persons permissible in addition to the breathing space required to be provided by

Section 16(2), floor space of 25 square feet in the case of existing factories and 36 square feet in factories built after the commencement of the Act, shall also be provided for each worker working at any one time in the room, but such floor space shall be exclusive of the space occupied by machinery, fixtures and materials in the room.

(2) The Chief Inspector may, for reasons to be recorded in writing, relax the provisions of this rule to such extent as he may consider necessary, where in his opinion, such relaxation can be made having regard to the health of the persons employed in any room.

108. *Railways in factories.*—The following rules will apply to railways in the precincts of a factory which are not subject to the Indian Railways Act, 1890.

109. *Gateways.*—A gateway through which a railway track passes shall not be used for the general passage of workers into or out of the factory.

110. *Barriers and turngates.*—(1) Where buildings or walls contain doors or gates which open on to railway track, a barrier about 3 feet 6 inches high shall be fixed parallel to and about 2 feet away from the building or wall outside the opening and extending several feet beyond it at either end, so that a person passing out may become aware of an approaching train when his pace is checked at the barrier. If the traffic on the nearest track is all in one direction the barrier shall be in the form of an L with the end of the short leg abutting on to the wall and the other end opening towards an approaching train.

(2) If the distance between wall and track cannot be made to accommodate such a barrier, the barrier or a turngate shall be placed at the inside of the opening.

(3) Where a footway passes close to a building or other obstruction as it approaches a railway track, a barrier shall be fixed at the corner of the building projecting several feet from it in a direction parallel to the track, so that a person approaching the track is compelled to move away from the building and thus obtain timely sight of a train approaching behind it. Where the footway is too narrow to permit of this a turngate shall be installed.

111. *Crowds.*—(1) Workers pay windows, first-aid stations and other points where a crowd may collect shall not be placed near a railway track.

(2) At those times of the day when the employees are starting or ending work, all railway traffic shall cease for not less than five minutes:

Provided that the Chief Inspector may by an order in writing exempt a specified factory from the provision of sub-rule (2) if he is satisfied that in the special circumstances of such factory the enforcement of the rule is not necessary to safeguard the employees.

112. *Locomotives.*—(1) Every locomotive (and tender) shall be provided with efficient brakes, all of which shall be maintained in good working order. Brake shoes shall be examined at suitably fixed intervals and those that are worn replaced at once.

(2) Water-gauge glasses of every locomotive, whatever its boiler pressure may be, shall be protected with substantial glass or metal screens.

(3) Every locomotive shall be fitted with a "cow catcher" or if this is impracticable, with "guard-irons," at each end.

(4) It shall be clearly indicated on every locomotive crane in English and in the vernacular for what weight of load and at what radius the crane is safe.

113. *Wagons.*—Every wagon (and passenger coach if any) shall be provided either with continuous self-acting brakes or with efficient hand-brakes in good working order and capable of being applied by a person on the ground and fitted with a device for retaining them in the applied position.

114. *Riding on vehicles.*—(1) No person shall be permitted to be upon (whether inside or outside) any locomotive or vehicle whether standing or in motion, except in the performance of his regular duties.

(2) No person, whether on duty or not, shall be permitted to ride on the outside of any locomotive or vehicle except where secure foothold and hold are provided.

115. *Attention to brakes and doors.*—(1) No vehicle shall be left unattended unless its brakes are firmly applied and, where the railway is on a gradient, without sufficient number of properly constructed scotches placed firmly in position.

(2) No train shall be set in motion until the shunting jamadar has satisfied himself that all wagon doors are securely fastened.

116. *Projecting loads and cranes.*—(1) If the load on a wagon projects beyond its length, a guard or dummy-truck shall be used beneath the projection.

(2) No loco-crane shall travel light unless the jib is completely lowered into the running position in line with the track.

(3) When it is necessary for a loco-crane to travel with a load the jib shall not be swung until the crane has come to rest.

117. *Loose-shunting.*—(1) Loose-shunting shall be permitted only when it cannot be avoided. It shall never be performed on a vehicle not accompanied by a man of capable of applying and pinning down the brakes. A vehicle not provided with brakes in good working order and capable of being easily pinned down shall not be loose shunting unless attached to at least one other vehicle with such brake. Loose shunting shall not be performed with or against a vehicle containing passengers, live-stock or explosives.

(2) For the purpose of this rule "loose-shunting" means the placing of a vehicle by giving it such an impetus from the locomotive that it can run along to the desired position.

118. *Fly-shunting.*—(1) Fly-shunting shall not be permitted on any factory railway.

(2) For the purposes of this rule "fly-shunting" means an impetus to vehicles as in loose-shunting but with the vehicles unattached (with or without some distance between them), and placing one vehicle (or set of vehicles) on one track and then smartly reversing the points so that the following vehicle or the locomotive takes the other track.

119. *The shunting jamadar.*—(1) Every train in motion in a factory shall be in charge of a properly trained shunting jamadar.

(2) Before authorising the driver to proceed the shunting jamadar shall satisfy himself that no person is under or between the vehicles or on the track in front of the train. He shall not call on the driver while any person is going off the track but only when all persons have gone off it.

119. *Hand signals.*—The hand signals used by the shunting jamadar by day and by night shall be those prescribed by the shunting rules of railways working under the Indian Railways Act (IX of 1890).

120. *Night work and fog.*—(1) In factories where employees work at night no movements of railway vehicles otherwise than by hand shall be permitted by the manager between sunset and sunrise unless the tracks and their vicinity are lighted on a scale of not less than one foot candle as measured at ground level out of doors by any recognised type of photometer or illumination meter

at a time when the atmosphere is free from dust or obscuring fumes.

(2) In no circumstances shall any train be moved, otherwise than by hand, between sunset and sunrise or at any time when there is fog, unless it carries a white head light and a red rear light.

121. *Speed control.*—(1) Trains shall not be permitted by the manager to proceed at speeds greater than four miles per hour.

(2) A train shall not be moved by mechanical or electrical power unless it is preceded at a distance of not less than 30 yards during the whole of its journey by the shunting jamadar. He shall be provided with the signalling flags or lamp necessary for its control by day or by night, and with a whistle for calling the attention of the driver:

Provided that the Chief Inspector may by an order in writing exempt a specified factory or specified part of it, or all or any of the trains traversing it, from the operation of all or any of the provisions of this rule on such terms and conditions as he considers necessary for safety.

122. *New tracts.*—(1) Trains shall not be moved by power upon any railway track installed in a factory unless the railway, its equipment and vehicles conform with this rule.

(2) The distances (*a*) between tracks and (*b*) between tracks and buildings or blind walls and (*c*) tracks and materials deposited on the ground shall be respectively not less than—

(*a*) from centre to centre of parallel tracks, the overall width of the widest wagon of that gauge *plus* twice the width of the door of such a wagon when opened directly outwards, *plus* 3 feet ;

(*b*) from a building or wall other than a loading platform to the centre of the nearest track, half the overall width of the widest wagon of that gauge, *plus* the width of the door of such wagon when opened directly outward, *plus* 5 feet ;

(*c*) from material stacked or deposited alongside the track, on the ground or on a loading platform, to the centre of the track, half the width of the widest wagon of that gauge, *plus* the width of its door when opened directly outward, *plus* 3 feet :

Provided that the Chief Inspector may by an order in writing exempt a specified factory or specified part of it

from all or any of the provisions of this sub-rule to such extent and on such conditions as he deems necessary.

(3) Within the factory precincts sleeper shall not be raised above ground level.

(4) All track ends shall be equipped with buffer stops of ample strength.

(5) Barriers of substantial construction shall be securely and permanently fixed across any doorway or gateway in a building or in a wall which conceals an approaching train from view, between the building and the track as prescribed in sub-rule (1) of Rule 109.

(6) Where tracks are carried on a gantry or other elevation, a safe footway or footways with hand rails and toe-boards shall be provided at all positions where persons work or pass on foot; and where there is an opening in the stage of an elevated track for the dropping of material to a lower level, the position shall be adequately fenced or the opening itself provided with a grill through which a person cannot fall.

(7) All point levers shall have their movements parallel to, not across, the direction of the track.

(8) All loading platforms which are more than 2 feet above the level of the ground on which the track is laid and more than 50 feet in length shall be provided with steps at intervals not greater than 50 feet apart to enable the platform to be easily mounted from the track.

(9) On every locomotive weighing 15 tons or more when empty the brakes shall be capable of being applied by steam or other power as well as by hand; or there are separate and distinct power and hand brakes.

123. *Motor vehicles.*—Speed of cars.—No road motor vehicle shall be permitted to be driven at a speed exceeding 10 miles per hour within the precincts of a factory:

Provided that in the case of large factories with departments separated by considerable distances and having roads of ample width, the Inspector may grant exemption by an order in writing from this rule to such extent and on such terms as he deems suitable.

124. *Car-lights.*—No motor vehicle shall be driven at night within the precincts of a factory unless it conforms in respect of lights to the law in force on public roads in that locality.

FORM No. 1

(Prescribed under Rule 3)

Application for permission to Construct, Extend or Take into use any Building as a Factory.

---

1. Applicant's Name ... ...

   Do Calling ... ...

   Do Address ... ...

2. Full name and Postal Address of factory.

3. Situation of the factory—

   Province ... ...

   District ... ...

   Town or Village ... ..

   Nearest Police Station ...

   Nearest Railway Station or Steamer Ghat.

4. Particulars of plant to be installed

Signature of Applicant.....

Date..... .....

NOTE.—This application shall be accompanied by the following documents:—

(a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages;

(b) Plans, in duplicate, drawn to scale, showing—

(i) the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains, etc., and

(ii) the plan elevation and necessary cross-sections of the various buildings indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passage ways; and

(c) Such other particulars as the Chief Inspector may require.

FORM No. 2

(Prescribed under Rule 4)

Application for Registration and Grant or Renewal of Licence

1. Name of occupier of factory ...

2. Full postal address ... ...

3. Maximum number of persons proposed to be employed on any one day during the year.

4. Maximum amount of power (horse-power) proposed to be used.

5. In the case of a factory constructed or extended after the date of the commencement of the Act—

   (*a*) Reference number and date of approval of the plans by the State Government/Chief Inspector.

   (*b*) Reference number and date of approval of the arrangements, if any, made for the disposal of trade wastes and effluents and the name of the authority granting such approval.

6. Amount of fee Rs. .....(Rupees.....

   paid in.....Treasury)

   on.....(*vide* Challan No. .....enclosed).

Signature of occupier.....

Date.....

FORM No. 3

(Prescribed under Rule 12)

Notice of Occupation

(To be submitted in duplicate)

1. Full name of Factory.....
2. Full postal address and situation of factory.....
.....
3. Full address to which communications relating to the factory should be sent.....
.....
4. Nature of manufacturing process/processes —
   (*a*) carried on in the factory during the last twelve months (in the case of factories in existence on the date of commencement of the Act).....
   .....
   .....
   .....; and
   (*b*) to be carried on in the factory during the next twelve months (in the case of all factories).....
   .....
5. Nature and amount of power used or to be used.....
6. Approximate number of workers to be employed in the factory.....
7. The average number of workers employed during the last twelve months (in the case of a factory in existence on the date of commencement of the Act).....
8. Full name and residential address of the person who shall be the manager of the factory for the purposes of the Act.....
9. (*i*) Full name and residential address of proprietor of the factory in case of a private firm.....
   .....
   (*ii*) Full names and residential addresses of the Directors in case of a public limited liability company.....
   .....
   (*iii*) Full names and residential addresses of Shareholders in case of a private company.....
   .....
   .....

Signature of Occupier.....

Date.....

Signature of Manager.....

Date.....

NOTE.—1. This Form should be completed in ink in block letters, or typed.

2. If power is not used at the time of filling up this Form, but is introduced later, the fact should be communicated to the Chief Inspector of Factories immediately.

3. If any of the persons named against Item 9 above is a minor, the fact should be clearly stated.

4. In the case of a factory, where, under the Proviso to sub-sections (1) and (2) of Section 100, a person has been nominated as the Occupier, information required in Item 9 should be supplied only in respect of that person.

FORM No. 4

(Prescribed under Rule 5)

Registration and Licence to work a Factory

Registration No. ..... Fee Rs. .....

Serial No. .....

Licence is hereby granted to.....
.....valid only for the premises described below for use as a factory employing not more than.....persons on any one day during the year and using motive power not exceeding .....H P., subject to the provisions of the Factories Act, 1948, and the Rules made thereunder.

This licence shall remain in force till the 31st day of December 19.....

Chief Inspector of Factories.

The.....19

DESCRIPTION OF THE LICENSED PREMISES

The licensed premises shown on Plan No.....dated..... are situated in.....and consist of.....
.....

Date of renewal	Date of expiry	Signature of licensing authority

FORM No. 5

(Prescribed under Rule 14)

Certificate of Fitness.

1. Serial No.....
   Date.....
2. Name.....
3. Father's Name.....
4. Sex.....
5. Residence.....
   .....
   .....
6. Age certified.....
7. Physical fitness.....
8. Descriptive marks.....
   .....
   .....
   .....
9. Reason for—
(1) Refusal of certificate.....
   .....
   .....
   .....
(2) Certificate being revoked.....
   .....
   .....
   .....

Thumb impression

Initials of Certifying Surgeon.

Serial No.....
Date.....

I certify that I have personally examined (name).....
.....
son/daughter of.....
.....
residing at.....
.....
who is desirous of being employed in a factory, and that his/her age, as nearly as can be ascertained from my examination, is.....
years, and that he/she is fit for employment in factory as an adult/child.

His/Her descriptive marks are
.....
.....
.....

Thumb impression

Certifying Surgeon.

NOTE.—Exact details of cause of physical disability should be clearly stated.

FORM No. 6

(Prescribed under Rule 22)

Humidity Register.

Department.....

Hygrometer { Distinctive mark or number.....
Position in department.....

Date, Year, Month, Day	Readings of Hygrometer							Remarks
	Between 7 and 9 a.m.		Between 11 a.m. and 2 p.m. (but not in the rest period)		Between 4 and 5-30 p.m.		If no humidity insert none	
	Dry bulb	wet bulb	Dry bulb	wet bulb	Dry bulb	wet bulb		
1st ...								
2nd ...								
3rd ...								
4th ...								
5th ...								
6th ...								
7th ...								
8th ...								
9th ...								
10th ...								
11th ..								
12th ...								
13th ...								
14th ...								
15th ...								
16th ...								
17th ...								
18th ...								
19th ...								
20th ...								
21st ...								
22nd ...								
23rd ...								
24th ...								
25th ...								
26th ..								
27th ...								
28th ...								
29th ..								
30th ..								
31st ...								

(*Signed*).....

Certified that the above entries are correct.

(*Signed*).....

FORM No. 7.

(Prescribed under Rule 16)

Record of Lime Washing, Painting, etc.

Part of Factory, *e.g.*, name of room	Parts lime-washed, painted, varnished or oiled, *e.g.*, walls ceilings, wood work, etc.	Treatment, whether lime-washed, painted, varnished or oiled	Date on which lime-washing, painting, varnishing or oiling was carried out (according to the English calendar)			Remarks
			Day	Month	Year	
1	2	3	4	5	6	7

Signature of Manager.

FORM No. 8

(Prescribed under Rule 56)

Report of Examination of Pressure Vessel.

1. Name of Occupier (or Factory) .....

2. Situation and address of factory .....

3. Name, description and distinctive number of pressure vessel .....

4. Nature of process in which it is used .....

5. Date of construction (the history should be briefly given, and the examiner should state whether he has seen the last previous report) .....

6. Date of last hydraulic test (if any) and pressure applied .....

7. Is the vessel in the open, or otherwise exposed to weather or to damp? .....

8. What parts (if any) were inaccessible? .....

9. What examination and tests were made? .....

10. Condition of vessel (State any defects materially affecting the safe working pressure or the safe working of the vessel.) External..... Internal.....

11. Are the required fittings and appliances provided in accordance with the Rules for pressure vessels? .....

12. Are all fittings and appliances properly maintained and in good condition? .....

13. Repairs (if any) required, and period within which they should be executed and any other condition which the person making the examination thinks it necessary to specify for securing safe working ....

14. Safe working pressure, calculated from dimensions and from the thickness and other data ascertained by the present examination, due allowance being made for conditions of working if unusual or exceptionally severe ....

15. Where repairs affecting the safe working pressure are required, state the working pressure:
   (a) Before the expiration of the period specified in (13) ....
   (b) After the expiration of such period if the required repairs have not been completed. .....
   (c) After the completion of the required repairs. ....

16. Other observations.

I certify that on ..... the pressure vessel described above was thoroughly cleaned and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination and that on the said date, I thoroughly examined this pressure vessel, including its fittings, and that the above is a true report of my examination.

Signature.....

Qualification.....

Address.....

.....

Date.....

If employed by a Company or Association, give name and address. .....

.....

.....

FORM No. 9.

(Preseribed under Rule 77)

Register of compensatory holidays.

Sl. No.	Number in the register of workers	Name	Group or Relay No.	No. and date of exempting order	Year	Weekly rest days lost due to the exempting order in				Date of compensatory holidays given in				Lost rest days carried to the next year	Remarks
						January to March	April to June	July to September	October to December	January to March	April to June	July to September	October to December		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

FORM No. 10.

Prescribed under Rule 78)

Overtime Muster Roll for exempted workers.

Month ending.....195 .

No. in Register	Name	Department	Dates on which overtime has been worked	Extent of overtime on each occasion	Total overtime worked or production in case of piece workers	Normal hours	Normal rate of pay	Overtime rate of pay	Normal earnings	Overtime earnings	Total earnings	Date on which overtime payments made

FORM No. 11.

(Prescribed under Rule 79)

Notice of periods of work for Adult Workers.

Name of Factory.....Place.....District.....

Periods of work	Men															Women															Description of groups		
Groups	Total number of men employed															Total number of women employed																	
	A			B			C			D			E			F			G			H			I			J			Group letter	Nature of work	Remarks
Relays	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3			
On working days:																																	
From ...																																	
To ...																																	
From ...																																	
To ...																																	
From ...																																	
To ...																																	
On partial working days:																																	
From ...																																	
To ...																																	
From ...																																	
To ...																																	

Date on which this notice first exhibited.....195 .

(Signed).. .....
Manager.

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FORM No. 12.

(Prescribed under Rule 80)

Register of Adult Workers.

Serial No.	Name	Father's Name	Nature of work	Letter of Group as in Form.....	Number of relay, if working in shifts	No. and date of certificate if an adolescent		Remarks
						No. of certificate and date	Token Number giving reference to the certificate	
1	2	3	4	5	6	7	8	9

FORM No. 13.

(Prescribed under Rule 85)

Notice of Periods of Work for Child Workers.

Name of Factory..... Place..... District.....

Period of work	Children						Description of Group		Remarks
	Total number of children employed.....								
Groups	A		B		C		Group Letter	Nature of work	
Relays	1	2	1	2	1	2			
From							A		
							B		
To							C		

Date on which this notice is first exhibited.....195 .

(Signed).....

Manager.

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H H 24

FORM No. 14

(Prescribed under Rule 86)

Register of Child Workers.

Serial No.	Name	Father's Name	Date of first employment	No. of certificate and its date	Token Number giving reference to certificate	Letter of Group as in Form.....	No. of relay if working in shifts	Remarks
1	2	3	4	5	6	7	8	9

FORM No. 15

(Prescribed under Rule 87)

Register of Leave with Wages.

Factory..... ....

Department.....

Part I—Adults.

Part II—Children.

Name..... .....

Father's name.....

.....

Sl. No.	Sl. No. in the Register of Adult/Child Workers	Date of entry into service	Interruptions					Leave due with effect from	Whether leave not desired during the next 12 months	Date from which the worker is allowed leave	Wages for leave paid in	Discharged worker		Remarks
			Sickness and accident	Authorised leave	Lockout or legal strike	Involuntary unemployment	Others					Date of discharge	Date and amount of payment made in lieu of leave due	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

NOTE.—Separate page will be allotted to each worker.

FORM No. 16

(Prescribed under Rule 88)

Leave Book.

Factory.....Part I—Adults.

Department.....Part II—Children.

Name.....

Father's name.....

.....

S. No.	S. No. in the Register of Adult/Child Workers.	Date of entry into service.	Interruptions					Leave due with effect from	Whether leave not desired during the next 12 months	Date from which the worker is allowed leave	Wages for leave paid in	Discharged worker		Remarks
			Sickness and accident	Authorised leave	Lockout or legal strike	Involuntary un-employment	Others					Date of discharge	Date and amount of payment made in lieu of leave due	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Note :—The Leave Book shall be made out separately for each worker on thick bound sheets.

FORM No. 17

(Prescribed under Rule 14)

Health Register.

(In respect of persons employed in occupations declared to be dangerous operations under Section 87)

Name of Certifying Surgeon (a) Mr.....

From.....To.....

(b) Mr.....

From.....To.....

(c) Mr.....

From.....To.....

Serial No.	Works No.	Name of worker	Sex	Age (last birthday)	Date of employment on present work	Date of leaving or transfer to other work.	Reason for leaving, transfer or discharge	Nature of job or occupation	Raw material or by-product handled
1	2	3	4	5	6	7	8	9	10

NOTE :

(i) *Column* 8. Detailed summary of reasons

(ii) *Column* 11. Should be expressed as fit

| Dates of Medical Examination by Certifying Surgeon | | |

FORM No. 18

(Prescribed under Rule 96)

Notice of Accident or Dangerous Occurrence

(See instructions on the reverse)

1. Name of Occupier (or Factory) .
2. Address of Works where accident or dangerous occurrence happened .
3. Nature of Industry .
4. Branch or Department and exact place where the accident or dangerous occurrence happened
5. Injured person's name and address
6. (*a*) Sex, (*b*) Age (last birthday), and (*c*) Occupation of injured person . . . . . (*a*).....(*b*).....(*c*).....
7. Date and hour of accident or dangerous occurrence . .
8. Hour at which he started work on day of accident . . .
9. (*a*) Cause or nature of accident or dangerous occurrence . (*a*)
   (*b*) If caused by machinery—
   (*i*) Give name of the machine and part causing the accident, and ... (*b*) (*i*)
   (*ii*) State whether it was moved by mechanical power at the time . . . (*b*) (*ii*)
   (*c*) State exactly what injured person was doing at the time . . . . . (*c*)
10. Nature and extent of injuries (*e.g.* fatal, loss of finger, fracture of leg, scald, scratch followed by sepsis) . . . . .
11. If accident is not fatal, state whether injured person was disabled for 48 hours or more .
12. Name of Medical Officer in attendance on injured person .

I certify that to the best of knowledge and belief the above particulars are correct in every respect.

Signature of Occupier or Manager.....

Date of despatch of report.....

Note.—To be completed in legible handwriting or preferably typewritten.

(This space to be completed by Inspector.)

District	Sex (M., W., B., or G.) . . . .
Date of Receipt . .	Other particulars (*e.g.* fatal, leg injury arm injury, etc.) . . .
Accident No. . .	Date of investigation . . .
Industry No. . .	Result of investigation . . .
Causation No. . .	

NOTIFICATION OF ACCIDENTS

EXTRACT FROM THE FACTORIES ACT, 1948.

(*Section* 88)

Where in any factory accident occurs which causes death or which causes any bodily injury by reason of which the person injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which is of such nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

EXTRACT FROM THE..... FACTORIES RULES, 1949.

(*Rule* 96).

When any accident or occurrence specified in the Schedule takes place in a factory, the manager of the factory shall forthwith send notice thereof by telephone, special messenger or telegram to the Chief Inspector, and if the accident is fatal, or of such a serious nature that it is likely to prove fatal, notice as aforesaid also be sent to —

(*a*) the District Magistrate or Sub-Divisional Officer, and

(*b*) the Officer-in-charge of nearest Police Station.

(2) The notice so given shall be confirmed by the manager of the factory to the above-mentioned authorities within 12 hours of the occurrence by sending to them a written report in the prescribed From No. 18.

SCHEDULE

1. Accidents which cause—

(*a*) death to any person;

(*b*) such bodily injury as prevents or will probably prevent the person injured from working for a period of 48 hours immediately following the accident.

2. The following classes of occurrences, whether or not they are attended by personal injury or disablement :—

(*a*) Bursting of boiler or vessel used for containing steam under pressure greater than atmospheric pressure.

(*b*) Collapse or failure of a crane, derrick winch, hoist or other appliance used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.

(*c*) Explosion or fire causing damage to any room or place in which persons are employed.

(*d*) Explosion of a receiver or container used for the storage, at a pressure greater than atmospheric pressure, of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.

(*e*) Collapse or subsidence of any floor, gallery, roof, bridge. tunnel chimney, wall or building part forming of a factory or within the compound or curtilage of factory.

FORM No. 19
(Prescribed under Rule 97)

To be filled in by the Chief Inspector
No. of Case.....
Remarks.....

Notice of Poisoning or Disease

(See instructions on reverse)

Factory Particulars.	1. Name of Factory.....
	2. Address of Factory.....
	3. Address of office or private residence of occupier...
Person Affected.	4. Nature of Industry.....
	5. Name and Works Number of Patient.....
	6. Address of Patient.....
	7. Sex and of Age Patient.....
	8. Precise occupation of Patient.....
	9. Nature of Poisoning or Disease from which patient is suffering.. .....
General Particulars.	10. Has the case been reported to the Certifying Surgeon .....

Signature of Factory Manager.....
Dated.....

NOTICE OF POISONING OR DISEASE

EXTRACT FROM THE FACTORIES ACT, 1948.

(*Section* 89.)

Where any worker in a factory contracts any disease specified in the Schedule, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

EXTRACT FROM THE.....FACTORIES RULES, 1949.

(*Rule* 97.)

A notice in Form No. 19 should be sent forthwith both to the Chief Inspector and to the certifying Surgeon, by the manager of a factory in which there occurs a case of lead, phosphorus, mercury, manganese, arsenic, carbon disulphide or benzene poisoning; or poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series, or of chrome ulceration, anthrax, silicosis, toxic anæmia, toxic jaundice, primary opitheliomatous cancer of the skin, or pathological manifestations due to radium or other radioactive substances or X-rays.

FORM No. 20.

(Prescribed under Rule 99.)

Abstract of the Factories Act, 1948 and the ..... Factories Rules, 1949.

(To be affixed in a conspicuous and convenient place at or near the main entrance to the Factory).

INTERPRETATION.

"Factory" means any premises including the precincts thereof—

(i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or

(ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,

but does not include a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923), or a railway running shed.

"Worker" means a person employed, directly or through any agency, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process.

"Manufacturing process" means any process for making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal, or pumping oil, water or sewage, or generating, transforming or transmitting power, or printing by letterpress, lithography, photogravure or other similar work or book-binding, which is carried on by way of trade or for purposes of gain, or incidentally to another business so carried on, or constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels.

Working hours, Holidays, Intervals for rest, etc.

1. *Hours of Work (Adults) Sections 51 and 54.*—No adult worker shall be required, or allowed, to work in a factory for more than 48 hours in any week and for more than 9 hours in any day.

2. *Relaxation of Hours of Work (Adults) Section 64.*—The ordinary limits on working hours of adults may be relaxed in certain special cases, *e.g.*, workers engaged on urgent repairs; in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory; in work which is necessarily so intermittent that the intervals during which they do

not work while on duty ordinarily amount to more than the intervals for rest; in work which for technical reasons must be carried on continuously throughout the day, in making or supplying articles of prime necessity which must be made or supplied every day; in a manufacturing process which cannot be carried on except during fixed seasons, or at times dependent on the irregular action of natural forces; in engine rooms or boiler houses or in attending to power plant or transmission machinery.

Except in the case of urgent repairs, the relaxation shall not exceed the following limits:—

(i) the total number of hours of work in any day shall not exceed ten;

(ii) the total number of hours of overtime work shall not exceed 50 for any one quarter;

(iii) the spreadover inclusive of intervals for rest shall not exceed 12 hours in any one day.

In the case of any or all adult workers in any factory, the ordinary limits on working hours of adults may be relaxed, for a period or periods not exceeding in the aggregate 3 months in any year, to enable the factory to deal with an exceptional press of work.

3. *Payment of Overtime. Section 59.*—Where a worker works in a factory for more than 9 hours in any day or for more than 48 hours in any week he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

4. *Exemption for Supervisory Staff. Section 64.*—Chapter VI of the Act—Working hours of adults—does not apply to persons holding positions of supervision or management or employed in a confidential position in a factory.

5. *Weekly Holiday (Adults). Section 52.*—No adult worker shall be required or allowed to work in a factory on the first day of the week, unless he has, or will have, a holiday for a whole day on one of the three days immediately before or after the said day, and the manager of the factory has, before the said day or the substituted day, whichever is earlier, delivered a notice at the office of the Inspector of his intention to require the worker to work on the said day and of the day which is to be substituted, and displayed a notice to that effect in the factory:

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

Where a worker in a factory, as a result of exemption from the ordinary provision relating to weekly holidays, is deprived of any of the weekly holidays, he shall be allowed, within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number to the holidays so lost.

6. *Intervals for Rest (Adults). Sections 55 and 56.*—The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed 5 hours before he has had an interval for rest of at least half an hour and that inclusive of his intervals for rest they shall not spread over more than 10½ hours in any day or, with the permission of the Chief Inspector in writing, 12 hours.

7. *Prohibition of Double Employment. Sections 60, 71 and 99.*—No child or except in certain circumstances an adult worker, shall be required or allowed to work in any factory on any day on which he has already been working in any other factory.

If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him or obtaining any direct benefit from his wages shall be punishable with fine, which may extend to Rs. 50 unless it appears to the court that the child so worked without the consent or connivance of such parent, guardian or person.

8. *Prohibition of Employment of Children under 14. Section 67.*—No child who has not completed his fourteenth year shall be required or allowed to work in any factory.

9. *Hours of Work (Children). Section 71.*—No child shall be employed or permitted to work in any factory for more than 4½ hours in any day and between the hours of 7 P.M. and 6 A.M. The periods of work of all children employed in a factory shall be limited to two shifts which shall not overlap or spread over more than 5 hours each and each child shall be employed in only one of the relays.

The provision relating to weekly holidays shall also apply to child workers and no exemption from this provision may be granted in respect of any child.

10. *Prohibition of Employment of Women. Section 66.*—No woman shall in any circumstances be employed in any factory for more than 9 hours in any day or between the hours of 7 P.M. and 6 A.M.

Leave with Wages.

11. *Leave with Wages. Sections 79, 80 and 83 and Rules.*—Every worker who has completed a period of 12 months continuous service in a factory shall be allowed during the subsequent period of 12 months leave with wages for a number of days calculated at the rate of—

(i) if an adult, one day for every twenty days of work performed by him during the previous period of 12 months subject to a minimum of 10 days.

(ii) if a child, one day for every 15 days of work performed by him during the previous period of 12 months subject to a minimum of 14 days:

Provided that a period of leave shall be inclusive of any holiday which may occur during such period.

For the leave allowed to him, a worker shall be paid at a rate equal to the daily average of his total full-time earnings, exclusive of any overtime earnings, and bonus, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the sale, by the employer, of foodgrains and other articles at concessional rates for the days on which he worked during the month immediately preceding his leave.

Where the employment of a person who has completed a period of 4 months continuous service in a factory is terminated before he has completed a period of 12 months continuous service, he shall be

deemed to have become entitled to leave for the number of days calculated at the rate of, if an adult one day for every 20 days of work performed by him, and if a child one day for every 15 days of work performed by him, and the occupier of the factory shall pay to him the amount payable in respect of the leave to which he is deemed to have become entitled.

If a worker entitled to leave with wages is discharged from the factory before he has taken the entire leave to which he is entitled, or if having applied for and having not been granted such leave, he quits his employment before he has taken the leave, the occupier of the factory shall pay him the amount payable in respect of the leave not taken and such payment shall be made before the expiry of the second working day after the day on which his employment is terminated.

The Manager shall maintain a leave with wages register in the prescribed Form No. 15 and shall provide each worker with a book called the 'Leave Book' in the prescribed Form No. 16. The Leave Book shall be the property of the worker and the Manager or his agent shall not demand it except to make entries of the dates of holidays for interruptions in service and shall not keep it for more than a week at a time. If a worker loses his Leave Book, the Manager shall provide him with another copy on payment of one anna and shall complete it from his record.

Health

12. *Cleanliness. Section 11.*—Except in cases specially exempted all inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases in a factory shall be kept white-washed or colour-washed. The white-washing or colour-washing shall be carried out at least once in every period of fourteen months. The floors of every workroom shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or some other method.

13. *Disposal of Wastes and Effluents. Section 12.*—Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.

14. *Ventilation and Temperature. Section 13.*—Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom adequate ventilation by the circulation of fresh air and such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

15. *Overcrowding. Section 16.*—Unless exemption has been granted, there shall be in every workroom of a factory in existence on 1st April 1949 at least 350 cubic feet and of a factory built after this date at least 500 cubic feet of space for every worker employed therein and for this purpose no account shall be taken of any space which is more than 14 ft. above the level of the floor of the room.

16. *Lighting. Section 17.*—In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial or both.

17. *Drinking Water. Section* 18.—In every factory effective arrangements shall be made to provide and maintain at suitable points, conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water.

In every factory wherein more than 250 workers are ordinarily employed the drinking water shall, during the hot weather, be cooled by ice or other effective methods. The cooled drinking water shall be supplied in every canteen, lunchroom and rest room and also at conveniently accessible points throughout the factory.

18. *Latrines and Urinals. Section* 19 *and Rules*.—In every factory sufficient latrine and urinal accommodation of the prescribed type (separate enclosed accommodation for male and female workers) shall be provided conveniently situated and accessible to workers at all times while they are at the factory. Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings. Sweepers shall be employed whose primary duty it would be to keep clean latrines, urinals and washing places.

19. *Spittoons. Section* 20.—In every factory, there shall be provided a sufficient number of spittoons of the type prescribed in convenient places and they shall be maintained in a clean and hygienic condition. No person shall spit within the premises of a factory except in the spittoons provided for the purpose. Whoever spits in contravention of this provision shall be punishable with fine not exceeding five rupees.

Safety

20. *Fencing of Machinery. Section* 21.—In every factory dangerous parts of machines, *e.g.*, every moving part of a prime mover and every flywheel connected to a prime mover etc., etc., shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

21. *Work on or near Machinery in Motion. Section* 22.—No woman or child shall be allowed in any factory to clean, lubricate or adjust any part of the machinery while that part is in motion, or to work between moving parts, or between fixed and moving parts of any machinery which is in motion.

22. *Employment of Young Persons on Dangerous Machinery. Section* 23.—No young person shall work at any machine declared to be dangerous unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and has received sufficient training in work at the machine or is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

23. *Casing of New Machinery. Section* 26.—In all machinery driven by power and installed in any factory after 1-4-1949 every set screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless it is so situated as to be as safe as it would be if it were completely encased.

Whoever sells or lets on hire or as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with these provisions, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

24. *Prohibition of Employment of Women and Children near Cotton Openers. Section* 27.—No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work.

25. *Excessive Weights. Section* 34.—No woman or young person shall unaided by another person, lift, carry or move by hand or on head, any material, article, tool or appliance exceeding the following limits :—

Adult female	65 lbs.
Adolescent male	65 lbs.
Adolescent female	45 lbs.
Male child	35 lbs.
Female child	30 lbs.

26. *Protection of Eyes. Section* 35.—Effective screens or suitable goggles shall be provided for the protection of persons employed in or in the vicinity of processes which involve risk of injury to the eye from particles or fragments thrown off in the course of the process or which involve risk of injury to the eyes by reason of exposure to excessive light.

27. *Precautions in Case of Fire. Section* 38.—Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein. The doors affording exit from any room shall, unless they are of the sliding type, be constructed to open outwards. Every window, door or other exit affording a means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked. Effective and clearly audible means of giving warning in case of fire to every person employed in the factory shall be provided. Effective measures shall be taken to ensure that wherein more than twenty workers are ordinarily employed in any place above the ground floor, or wherein explosive or highly inflamable materials are used or stored, all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

Welfare

28. *Washing Facilities. Section* 42.—In every factory adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein. Such facilities shall include soap and nail brushes or other suitable means of cleaning and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

If female workers are employed separate facilities shall be provided and so enclosed or screened that the interiors are not visible from any place where persons of the other sex work or pass.

29. *Facilities for Storing and Drying Clothing. Section* 43 *and Rules.*—In the case of certain dangerous operations *e.g.*, lead processes, liming and tanning of raw hides and skins, etc. suitable places for keeping clothing not worn during working hours and for the drying of wet clothing shall be provided and maintained.

30. *Facilities for Sitting. Section* 44. In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position in order that they may take advantage of any opportunities for rest which may occur in the course of their work.

31. *First Aid and Ambulance Room. Section* 45.—There shall in every factory be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents. All such boxes and cup-boards shall be kept in the charge of a responsible person who is trained in first aid treatment and who shall always be available during the working hours of the factory.

In every factory wherein more than 500 workers are employed there shall be provided and maintained an ambulance room of the prescribed size and containing the prescribed equipment. The ambulance room shall be in charge of a qualified medical practitioner assisted by at least one qualified nurse and such other staff as may be prescribed.

32. *Canteens. Section* 46 *and Rules.*—In specified factories wherein more than 250 workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers. Food, drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of a Canteen Managing Committee which shall be appointed by the Manager and shall consist of an equal number of persons nominated by the occupier and elected by the workers. The number of elected workers shall be in the proportion of 1 for every 1,000 workers employed in the factory provided that in no case shall there be more than 5 or less than 2 workers on the Committee. The Committee shall be consulted from time to time on to the quality and quantity of food stuffs to be served in the Canteen, the arrangement of the menus, etc., etc.

33. *Shelters, Rest Rooms and Lunch Rooms. Section* 47.—In every factory wherein more than 150 workers are ordinarily employed, adequate and suitable shelters or rest rooms and a suitable lunch room, with provision for drinking water, where workers can eat meals brought by them shall be provided and maintained for the use of the workers.

34. *Creches. Section* 48 *and Rules.*—In every factory wherein more than 50 women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women. The Creche shall be adequately furnished and equipped and in particular, there shall be one suitable cot or a cradle with the necessary bedding for each child, at least one chair or equivalent seating accommodation for the use of the mother while she is feeding or attending to her child and a sufficient supply of suitable toys for elder children.

There shall be in or adjoining the Creche a suitable wash-room for the washing of the children and their clothing. An adequate

supply of clean clothes, soap and clean towels shall be made available for each child while it is in the Creche. At least half a pint of clean pure milk shall be available for each child on every day it is accommodated in the creche and the mother of such a child shall be allowed in the course of her daily work suitable intervals to feed the child. For children above two years of age, there shall be provided, in addition, an adequate supply of wholesome refreshment. A suitably fenced and shady open air play-ground shall also be provided for the older children.

35. *Welfare Officers. Section* 49.—In every factory wherein 500 or more workers are ordinarily employed, the occupier shall employ in the factory such number of Welfare Officers as may be prescribed.

Special Provisions

36. *Dangerous Operations. Section* 87 *and Rules.*—Employment of women, adolescents and children in prohibited or restricted in certain operations declared to be dangerous, *e.g.*, manufacture of aerated water; electroplating, manufacture and repair of electric accumulators, glass manufacture, grinding or glazing of metals, manufacture and treatment of lead and certain compounds of lead, generating petrol gas from petrol, sand blasting and liming and tanning of raw hides and skins.

37. *Notice of Accidents. Section* 88 *and Rules.*—Where in any factory an accident occurs which causes death or which causes bodily injury by reason of which the person injured is prevented from working for a period of 48 hours or more immediately following the accident or which, though not attended by personal injury or disablement, is of one of the following types:—

(i) Bursting of a vessel used for containing steam under pressure greater than atmospheric pressure other than plant which comes within the scope of the Indian Boilers Act.

(ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.

(iii) Explosion or fire causing damage to any room or place in which persons are employed, or fire in rooms of cotton pressing factories, where a cotton opener is in use.

(iv) Explosion of a receiver or container used for the storage at a pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.

(v) Collapse or subsidence of any floor, gallery, roof, bridge, tunnel, chimney, wall or building forming part of a factory or within the compound or curtailing of factory;

the Manager of the factory shall forthwith send notice thereof to the Chief Inspector. If the accident is fatal or of such a serious nature that it is likely to prove fatal, notice shall also be sent to the District Magistrate or the Sub-Divisional Officer and the Officer-in-charge of the nearest Police Station.

38. *Notice of Certain Diseases. Section 89 and Rules.*—Where any worker in a factory contracts any of the following diseases, the Manager of the factory shall send notice thereof forthwith both to the Chief Inspector and the Certifying Surgeon :—

Lead, phosphorus, mercury, manganese, arsenic, carbon bisulphide or benzene poisoning, or poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series; or of chrome ulceration, anthrax, silicosis, toxic anæmia, toxic jaundice, primary opitheliomatous cancer of the skin, or pathological manifestations due to radium or other radio-active substances or X-rays.

39. *No Charge for Facilities and Conveniences. Section 114.*—No fee or charge shall be realised from any worker in respect of any arrangements or facilities to be provided or any equipments or appliances to be supplied by the occupier under the provisions of the Act.

40. *Powers of Inspectors. Section 9 and 82.*—Inspectors have power to inspect factories any time and may require the production of registers, certificates, etc., prescribed under the Act and the Rules.

Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid by an employer under the provisions relating to leave with wages, which the employer has not paid.

41. *Obligations of Workers. Sections 97 and 111.*—No worker in a factory—

(i) shall wilfully interfere with or misuse any appliance, convenience or other thing provided in a factory for the purposes of securing the health safety or welfare of the workers therein,

(ii) shall wilfully and without any reasonable cause do anything likely to endanger himself or others, and

(iii) shall wilfully neglect to make use of any appliance or other thing provided in the factory for the purpose of securing the health or safety of the workers therein.

If any worker employed in a factory contravenes any of these provisions or any rule or order made thereunder he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Rs. 100 or with both.

If any worker employed in a factory contravenes any provision of the Act or any rules or orders made thereunder imposing any duty or liability on workers, he shall be punishable with fine which may extend to Rs. 20.

42. *Certificates of Fitness. Sections 68, 70 and 98.*—No child who has completed his fourteenth year or an adolescent shall be required or allowed to work in any factory unless a certificate of fitness granted with reference to him is in the custody of the Manager of the factory and such child or adolescent carries, while he is at work, a token giving a reference to such certificate. Any fee payable for such a certificate shall be paid by the occupier and shall not be recoverable from the young person, his parents or guardian.

An adolescent who has been granted a certificate of fitness to work in a factory as an adult and who while at work in a factory carries a token giving reference to the certificate shall be deemed to be an adult for all the purposes of the provisions of the Act relating to the working hours of adults and the employment of young persons. An adolescent who has not been granted a certificate of fitness to work in a

factory as an adult shall, notwithstanding his age, be deemed to be a child for all the purposes of the Act.

Whoever knowingly uses or attempts to use, as a certificate of fitness granted to himself, a certificate granted to another adolescent to work in a factory as an adult, or who, having procured such a certificate knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 50 or with both.

43. *Registers, Notices and Returns. Sections 61, 65, 72, 74, 79, 80 and 110.*—A register of adult workers in the prescribed Form No. 12 and a register of child workers in the prescribed Form No. 14 shall be maintained by the Manager of every factory.

A notice of periods of work for adults and a notice of periods of work for children in the prescribed Forms Nos. 11 and 13 shall be correctly maintained and displayed in every factory No adult worker or child shall be required or allowed to work in any factory otherwise than in accordance with their respective notices of periods of work displayed in the factory.

The owners, occupiers or managers of factories shall submit the prescribed periodical returns to the Inspector regularly.

FORM No. 21.

[Prescribed under sub-rule (1) of Rule 100]

Annual Return.

Year ending 31st December 195 .

Name of Factory.....

Name of Occupier.....

Name of Manager.....

1.	District		...
2.	Postal Address		...
3.	Nature of Industry		...
4.	*Average number of workers employed	Men	...
		Women	...
		Adolescents—	
		Male	...
		Female	...
		Children—	
		Male	...
		Female	...
5.	Normal hours worked per hour.	Men	...
		Women	...
		Children	...
6.	Number of days worked in the year...		
7.	** What rest intervals were given to adults ?		
8.	Were rest intervals given to children ?		
9.	Were week-days sometimes substituted for Sunday as weekly holidays ?		
10.	The number of workers exempted from the provisions of Sections.	51	...
		52	...
		54	...
		55	
		56	...

* The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days in the year. In reckoning attendances, attendances by temporary as well as permanent employees should be counted, and all employees should be included, whether they are employed directly or under contractors. Attendances on separate shifts (*e.g.*, night and day shifts) should be counted separately. Days on which the factory was closed, for whatever cause, and days on which the manufacturing processes were not carried on should not be treated as working days.

**Enter "one hour", two half-hours", "one half-hour", or "none", as the case may be. If none of these categories applied to all the adult employees, enter the category applicable to the majority of adult employees. Where the majority received an interval exceeding one hour, enter "one hour".

FORM No. 22

[Prescribed under sub-rule (3) of Rule 100]

Half-yearly Return.

Period ending 30th June 195 /31st December 195

Name of Factory .....

Name of Occupier .....

Name of Manager .....

(1) District.....

(2) Postal Address .....

(3) Nature of Industry.....

(4) *Average number of workers employed daily.
- Men ...
- Women ...
- Adolescents—
  - Male ...
  - Female ...
- Children—
  - Male ...
  - Female ...

(5) Number of days worked during the half-year ending 30th June 195 —31st December 195 ...

Signature of Occupier. Signature of Manager.

*The average daily number should be calculated by dividing the aggregate number of attendances on working days by the number of working days during the half-year. In reckoning attendances, attendances by temporary as well as permanent employees should be counted, and all employees should be included, whether they are employed directly or under contractors. Attendances on separate shifts (*e.g.*, night and day shifts) should be counted separately. Days on which the factory was closed, for whatever cause, and days on which the manufacturing processes were not carried on should not be treated as workings days.

FORM No. 23

(Prescribed under sub-rule (4) of Rule 100).

Leave with wages—Annual Return.

For the year ending 31st December 195 .

Name of Factory.....

Name of Occupier.....

Name of Manager.....

District.....

Postal Address.....

Nature of Industry.....

Total number of persons employed during the year—

Men.....

Women.....

Children .....

Number of persons who completed twelve months continuous service during the year—

Men.....

Women.....

Children .....

Number of persons who were granted leave during the year—

Men .....

Women.....

Children .....

Number of persons who gave notice not to avail themselves of leave during the year in which leave accrued—

Men.....

Women.....

Children .....

FORM No. 94

(Prescribed under sub-rule (5) of Rule 100).

Compensatory holidays—annual return.

For the year ending 31st December 195 ..

Name of Factory.....

Name of Occupier.....

Name of Manager.....

1. District .....
2. Postal Address.....
3. Nature of Industry.....
4. No. of workers exempted from Section 52 of the Factories Act—
   Men.....
   Women.....
5. Number of persons who received holidays in the—
   (1) Same month.....
   (2) Following month.....
   (3) Third month.....

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FORM No. 25.

(Prescribed under Rule 103)

Muster Roll

Name of Factory.....Place.....District.....

S. No.	Name	Father's name	Nature of work	For the period ending.....													Remarks
				1	2	3	4	5	6	7	8	9	10	11	12	13	

FORM No. 26.

(Prescribed under Rule 104.)

Register of Accidents and Dangerous Occurrences.

Name of injured person (if any)	Date of accident or dangerous occurrence	Date of report (in Form No. 18) to Inspector	Nature of accident or dangerous occurrence	Date of return of injured person to work	No. of days injured person was absent from work.
1	2	3	4	5	6

FORM No. 27

(Prescribed under Schedule VI to Rule 95)

Special Certificate of Fitness

(In respect of persons employed in operations involving use of lead compounds).

Serial No. .....

Date .....

I hereby certify that I have personally examined..... son of..... residing at..... who is desirous of being employed as..... in the .....and that his age, as nearly as can be ascertained from my examination, is.....years, and that he is, in my opinion, fit for employment at work involving the use of lead compounds. His descriptive marks are :

.....

.....

Left thumb-impression of person examined.

Certifying Surgeon.

I certify that I examined the person mentioned above on	I extend this certificate until	Signature of Certifying Surgeon	Note of symptoms of lead poisoning (if any)

FORM No. 28.

Annual Return—Canteen.

Year ending 31st December 19 .

Industry	Name of Factory	No. of workmen normally employed daily	Type of Canteen				No. of workers patronising canteen normally (daily)	Whether issues are below cost price. If so, state items provided below cost price	Items of expenditure borne by employer if any (details regarding items and amount subsidised should be given)	General remarks
			Providing cooked food and refreshments, etc.	Providing cooked food only	Providing refreshments and tea only	Providing tea only				
1	2	3	4	5	6	7	8	9	10	11

Certified that the information furnished above is, to the best of my knowledge and belief, correct.

Dated.....

Signature of Manager.

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FORM No. 29.

Annual Return—Creche.

Year ending 31st December 19

1. Industry.

2. Name of factory.

3. Number of women workers normally employed.

4. Number of children admitted in the creche.

5. Average daily attendance of children at the creche—

   (a) Two years and below.
   (b) Above two years.

6. Details of facilities provided with regard to—

   (a) Milk.
   (b) Food.
   (c) Clothes.
   (d) Toys.
   (e) Medical Aid.
   (f) Others.

7. Details of staff employed.
   (i) Doctors :—

      (a) Males.
      (b) Females.

   (ii) Nurses.
   (iii) Teachers.
   (iv) Ayahs.
   (v) Sweepers.

8. General remarks.

Certified that the information furnished above is, to the best of my knowledge and belief, correct.

Dated..... *Signature of Manager.*

FORM No. 30

Annual return—Shelter, Rest Rooms and Lunch Rooms.

Year ending 31st December 19 .

1. Industry ...
2. Name of Industry ...
3. Number of workers normally employed.
4. Average daily attendance of workers at the shelter, rest room or lunch room.
5. Details of facilities provided with regard to drinking water.
6. Details of accommodation, furniture and other equipment provided.
7. General remarks ...

Certified that the information furnished above is, to the best of my knowledge and belief, correct.

Dated ..... *Signature of Manager.*

FORM No. 31.

Accident Annual Return.

1. Name and address of Factory ...
2. Number of accidents or dangerous occurrence which took place during the year.
3. Number of persons—
   (a) Killed—
      Men ...
      Women ...
      Children ...
   (b) Injured—
      Men ...
      Women ...
      Children ...
4. Number of injured persons who returned to work.
5. Number of man-days lost on account of absence due to injury in the case of persons who returned to work.

Certified that the information furnished above is, to the best of my knowledge and belief, correct.

Dated ..... *Signature of the Manager.*

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FORM No. 32.

Form of Nomination.

I hereby declare that in the event of my death before resuming work the balance of my pay due for the period of leave shall be paid to..... who is my .... and resides at ... .

1. Witness.....
2. Witness.....

Signature or thumb impression of the Worker.

Dated .....

FORM No. 33.

Register of Surgeon's fees for the issue of Duplicate Certificates.

Date	Serial No.	Number of previous Certificate	Name of persons to whom granted	Initial of Certifying Surgeon
1	2	3	4	5

Paid into Treasury at.....on (date).....

Signature of Certifying Surgeon.

FORM NO. 34.

Certifying Surgeon's Visit Note.

Visit to (factory) on date 19 .

Name of the Certifying Surgeon.

EXAMINATION AND CERTIFICATES.

(A) Children—

1. Original Examination—
   Number examined .....Number granted certificates.....

2. Examination of those holding provisional certificates.....
   Number examined .....Number granted certificates.....
   Number of impounded provisional certificates.....

3. Re-examination of those holding certificates .....
   Number examined.....Number of certificates cancelled.....
   Reasons for cancellation in each case (*i.e.*, general nature of unfitness).....

(B) Adolescents:—

1. Original examination—
   Number examined..... Number granted certificates.....

2. Examination of those holding provisional certificates
   Number examined .....Number granted certificates.....
   Number of impounded provisional certificates.....

3. Re-examination of those holding certificates.....
   Number examined.....Number of certificates cancelled.....
   Reason for cancellation in each case (*i.e.*, general nature of unfitness).....

Signed .....
Certifying Surgeon.

FORM NO. 35.

Diary of Inspector of Factories.

For the week ending Saturday the .....19 .

Date	Factories visited or other work done (if visited for a special purpose, state what)	Defects found and orders issued	Remarks
Sunday ...			
Monday ...			
Tuesday ...			
Wednesday ...			
Thursday ...			
Friday ...			
Saturday ...			

FORM NO. 35.

(Revenue Side)

Analysis of visits, etc.	Under the Act at time of first visit	Not under the Act at the time of first visit	Found closed	Remarks
Factories visited once ...				
Factories visited twice ...				
Factories visited thrice ...				
Factories visited more than thrice ...				
Time (etc.) of visit ...	Factories	Visits		
During legal working hours ...				
During Rest Intervals ...				
Before or after legal working hours.				
On Sundays or Holidays ...				
For enquiring into accidents ...				
For special purpose ...				
Total ...				
Number of factories visited (all classes).				
Number of visits paid (all classes) ...				

PROSECUTIONS.

The prosecution against .....
occupied..... days.

Other work, if any.

..... days.

Signature.....
Inspector of Factories.

Date.....

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

Reg. No. M. 1175

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, THURSDAY, DECEMBER 20, 1951

PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1748—Legis. 57-51-1, dated Bangalore, the 20th December 1951.

Ordered that the accompanying Mysore High Court (Amendment) Act, 1951, which received the assent of His Highness the Maharaja, on the 16th day of December 1951, be published as Mysore Act No. XXXV of 1951 in the *Mysore Gazette*, for general information.

MYSORE ACT No. XXXV OF 1951.

THE MYSORE HIGH COURT (AMENDMENT) ACT, 1951.

Received the Assent of His Highness the Maharaja on the Sixteenth day of December 1951.

An Act further to amend the Mysore High Court Act, 1884.

WHEREAS it is expedient further to amend the Mysore High Court Act, 1884 (Mysore Act I of 1884), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore High Court (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of preamble to Mysore Act I of 1884.

2. In the preamble to the Mysore High Court Act, 1884 (hereinafter referred to as the said Act), after the words "amend the constitution of", the words "and to provide for the administration of justice by" shall be inserted.

Amendment of section 1 of Mysore Act I of 1884.

3. In section 1 of the said Act, the fourth paragraph shall be omitted.

Omission of sections 2, 4, 6, 7, 8 9 and 10 of Mysore Act I of 1884.

4. Sections 2, 4, 6, 7, 8, 9 and 10 of the said Act, shall be omitted.

Amendment of section 13 of Mysore Act I of 1884.

5. In section 13 of the said Act the second sentence shall be omitted.

Amendment of section 15 of Mysore Act I of 1884.

6. In section 15 of the said Act,

(1) to sub-section (1), the following proviso shall be added, namely :—

"Provided that second appeals arising out of any suit or proceeding, the amount or value of the subject-matter of which does not exceed three thousand rupees, shall be heard and disposed of by any Judge of the High Court sitting alone and any such Judge may, if he is satisfied that a substantial question of law is involved in the case, refer such second appeal to a Bench of Judges for disposal."

(2) in sub-section (3), the second sentence shall be omitted.

Amendment of section 16B of Mysore Act I of 1884.

7. In section 16 B of the said Act, the words and figures "Notwithstanding anything contained in the proviso to section 19", shall be omitted.

8. In the third paragraph of section 18 of the said Act, the first and second sub-paragraphs and the word "thirdly" in the third sub-paragraph shall be omitted.

Amendment of section 18 of Mysore Act I of 1884.

9. In section 19 of the said Act, the proviso shall be omitted.

Amendment of section 19 of Mysore Act I of 1884.

10. For section 23 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for section 23 of Mysore Act I of 1884.

"23 (1) In addition to public holidays authorised by the Government of Mysore, the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

Vacations.

(2) The total number of days in all the said three vacations shall not exceed eighty days and the period of each vacation in each year shall be fixed by the Chief Justice."

11. Notwithstanding anything contained in any law or decision having the force of law to the contrary, the provisions of section 15 of the Mysore High Court Act, 1884, as amended by section 6 of this Act, shall apply—

Application of section 15 of Mysore Act I of 1884 as amended by section 6 to pending cases.

(i) to all second appeals pending in the High Court, and

(ii) to all second appeals arising out of any suit, appeal or other proceeding pending in any Civil Court subordinate to the High Court,

on the date of commencement of this Act.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, FRIDAY, DECEMBER 21, 1951

PART IV.

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1757—Legis. 58-51-1, dated Bangalore, 21st December 1951.

Ordered that the accompanying Mysore City Municipalities (Amendment) Act, 1951, which received the assent of His Highness the Maharaja on the 20th day of December 1951, be published as Mysore Act No. XXXVI of 1951, in the *Mysore Gazette* for general information.

MYSORE ACT NO. XXXVI OF 1951.

THE MYSORE CITY MUNICIPALITIES (AMENDMENT) ACT, 1951.

(Received the assent of His Highness the Maharaja on the Twentieth day of December 1951.)

An Act further to amend the Mysore City Municipalities Act, 1933.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933, (Mysore Act VII of 1933), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (Amendment) Act, 1951.

(2) This section shall come into force at once ; and such of the other provisions of this Act shall come into force on such dates and in such City Municipalities as the Government may, by notification in the *Mysore Gazette*, specify in this behalf, and different dates may be specified in respect of different provisions in the case of any City Municipality.

Amendment of section 3 of Mysore Act VII of 1933.

2. In section 3 of the Mysore City Municipalities Act, 1933, (hereinafter referred to as the said Act)—

(1) clause (1) shall be omitted ;

(2) after clause (5) the following clauses shall be inserted, namely :—

"(5-a) 'Election Commissioner' shall mean any Judge having jurisdiction in the municipality appointed to be the Election Commissioner for the said municipality by the Government ;

(5-b) 'Government' shall mean the State Government ;"

(3) after clause (11) the following clause shall be inserted, namely :—

"(11-a) 'occupier' includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant ;"

(4) in clause (13), for the word "July" the word "April" shall be substituted ;

(5) clause (20) shall be omitted.

Amendment of section 6 of Mysore Act VII of 1933.

3. In proviso (1) to sub-section (1) of section 6 of the said Act, for the words "one mile" the words "two miles" shall be substituted.

4. For section 9 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for section 9 of Mysore Act VII of 1933.

"9. (1) Every municipal council shall consist of such number of councillors as the Government may, from time to time, by order determine.

Constitution of municipal councils.

(2) Subject to the provisions of sub-section (3), all the councillors of every municipality shall be elected.

(3) Any vacancies due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 16 or 17, shall, notwithstanding anything contained in this Act, be filled up by appointment by the Government".

5. For section 10 of the said Act, the following sections shall be substituted, namely :—

Substitution of new sections 10, 10-A and 10-B for section 10 in Mysore Act VII of 1933.

"10. (1) Seats shall be reserved for the scheduled castes among the number of seats fixed under sub-section (1) of section 9. The number of seats so reserved shall bear as nearly as may be, the same proportion to the number of seats fixed under sub-section (1) of section 9 as the population of the scheduled castes bears to the total population of the municipality :

Reservation of seats for scheduled castes.

Provided that this sub-section shall cease to have effect after ten years from the commencement of the Mysore City Municipalities (Amendment) Act, 1951 :

Provided further that the preceding proviso shall not affect any representation in a municipal council until the expiry of the term of office of its members.

(2) Nothing contained in this section shall be deemed to prevent members of the scheduled castes for whom seats have been reserved in a municipal council from standing for election to the non-reserved seats in the council.

Territorial divisions for elections.

10-A. (1) For the purposes of election of councillors to fill the seats under sub-section (1) of section 9, the municipality shall be divided into as many territorial divisions as there are councillors to be elected, the boundaries of which shall, after consultation with the municipal council, be fixed by the Government by notification in the Official Gazette.

(2) The Government may, after consultation with the municipal council, by notification in the Official Gazette alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

Qualification for enrolment in the election roll.

10-B. (1) Every person of either sex who was not less than twenty-one years of age on the first day of April of the year preceding that in which the election roll is published and who is not otherwise disqualified under this Act shall be included in the election roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 10-A.

(2) No person shall be included in such election roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the year preceding that in which the election roll is published:

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the city municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division."

Amendment of section 11 of Mysore Act VII of 1933.

6. In section 11 of the said Act—

(1) in sub-section (1) for the words "three years" the words "four years" shall be substituted.

(2) the proviso to sub-section (3) shall be omitted.

7. In section 12 of the said Act—

Amendment of section 12 of Mysore Act VII of 1933.

(1) in sub-section (1), the following proviso shall be added to the last sentence, namely:—

"Provided further that nothing in this section shall invalidate the election of any person if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice."

(2) in sub-section (2), clause (c) and in clause (d) the words "not being a salaried servant of Government" shall be omitted.

8. In section 15 of the said Act, for the words "nominated or elected at a general election" the words "elected at a general election or appointed" shall be substituted, and for the words "three years" and "four years" the words "four years" and "five years" respectively shall be substituted.

Amendment of section 15 of Mysore Act VII of 1933.

9. In section 17 of the said Act, for the words, brackets, letter and figures "clause (*a*) of section 10" the words, brackets and figures "sub-section (1) of section 9" shall be substituted.

Amendment of section 17 of Mysore Act VII of 1933.

10. In section 19 of the said Act, the word "nominated" shall be omitted.

Amendment of section 19 of Mysore Act VII of 1933.

11. In section 20 of the said Act—

Amendment of section 20 of Mysore Act VII of 1933.

(1) in the marginal note for the words "enquiry by Judge" the words "enquiry by the Election Commissioner" shall be substituted;

(2) in sub-section (1) for the words "declaration of the result of election of a councillor" the words and figures "publication in the official Gazette under section 19 of the name of the person elected as a councillor" shall be substituted, and for the words "District Judge of the District" the words "Election Commissioner" shall be substituted;

(3) in sub-section (2), for the words "The District Judge or such other Judge as may be appointed by the Government in this behalf" the words "The Election Commissioner" shall be substituted and for the word "Judge" wherever it occurs, the words "Election Commissioner" shall be substituted;

(4) in sub-sections (3), (5) and (6) for the word "Judge" wherever it occurs, the words "Election Commissioner" shall be substituted.

Amendment of section 23 of Mysore Act VII of 1933.

12. In sub-section (5) of section 23 of the said Act, the first sentence shall be omitted.

Amendment of section 228 of Mysore Act VII of 1933.

13. In clause (b) of sub-section (2) of section 228 of the said Act—

(1) in sub-clause (ii), the words "of voters and" shall be omitted.

(2) in sub-clause (iii), the words commencing from the words "declaring the manner" up to the end of the sub-clause shall be omitted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, FRIDAY, DECEMBER 21, 1951

PART IV

Section I-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. 13408—Eln. 95-51-1, dated Bangalore, 21st December 1951.

Ordered that the accompanying Notification No. S.R.O. 2008, dated 17th December 1951 of the Ministry of Law, Government of India, making amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 17th December 1951.

No. S.R.O. 2008.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby makes the following amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

1. In sub-rule (1) of rule 17 of the said rules, after clause (c) the following clause shall be inserted, namely :—

"(cc) a child in arms accompanying an elector ;".

2. To rule 18 of the said Rules, the following sub-rule shall be added, namely :—

"(5) The presiding officer may permit an elector to enter the polling compartment with a child in arms for the purpose of voting."

3. For sub-rules (1) and (2) of rule 23 of the said Rules, the following shall be substituted, namely :—

"(1) The elector on entering the polling station shall first allow his left forefinger to be inspected by a polling officer for the purpose of ascertaining if he already has any mark of indelible ink on that finger. If there is no such mark, such or any other polling officer—

(a) shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll, and

(b) shall thereafter cause the left forefinger of the elector to be marked with indelible ink and then deliver a ballot paper or the requisite number of ballot papers to the elector.

Before delivering the bollot paper or papers, the polling officer shall, where a direction has been issued in this behalf under rule 20, stamp the ballot paper or papers with such official marks as may have been specified under that rule.

(2) The polling officer shall at the time of delivery of the ballot paper or papers place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper or ballot papers and shall also keep a record of the serial number or numbers of the ballot paper or papers supplied to the elector in such manner as the Returning Officer may, subject to the general or special instructions issued in that behalf by the Election Commission direct."

4. To rule 32 of the said Rules, the following shall be added, namely :—

"at such place as the Returning Officer may direct subject to any general or special instructions issued in that behalf by the Election Commission."

5. In rule 38 of the said Rules—

(a) in sub-rule (1) the following words shall be added at the end, namely :—

"Where the seats to be filled include one or more seats reserved for the Scheduled Castes or the Scheduled Tribes, the names of the candidates belonging to the Scheduled Castes or the Scheduled Tribes shall be indicated on the ballot paper by means of suitable distinguishing marks." ;

(b) to sub-rule (1) the following proviso shall be added, namely :—

"Provided that the Election Commission, may, if it is satisfied that the number of electors entitled to vote by postal ballot at an election is small, direct that the names of the candidates on the ballot paper and the distinguishing mark, if any, to be indicated against any such name, shall either be typed or be in manuscript as the Election Commission may think fit."

6. For rule 40 of the said Rules, the following rule shall be substituted, namely :—

"40. *Attestation of elector's signature on the ballot paper.*—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper either by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified or—

(a) in the case referred to in clause (a) of sub-rule (3) of rule 38, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;

(b) in the case referred to in clause (b) of that sub-rule, by an officer not below the rank of a Deputy Secretary to Government ;

(c) in the case referred to in clause (c) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident ; and

(d) in the case referred to in clause (d) of that sub-rule, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention."

7. In rule 44 of the said Rules—

(a) for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) At an election in a constituency (other than a Council constituency) where a poll is taken, the Returning Officer shall appoint a date or dates (which shall be as soon as practicable after the completion of the poll throughout the constituency) for the counting of votes and shall fix the place and time at which the votes shall be counted on the date or each of the dates so appointed :

Provided that the place at which the ballot papers contained in any ballot box shall be counted shall be fixed by the Returning Officer in accordance with such general or special directions as may be issued in that behalf by the Election Commission." ;

(b) in sub-rule (2), for the words "notice of such date" the words "notice of each such date" shall be substituted;

(c) in sub-rule (3)—

(i) for the words "If, at the time so appointed for the counting of votes all the ballot boxes used at the poll have not been received" the words "If, at the time so appointed for the counting of votes at any such place, all the ballot boxes containing the ballot papers which are to be counted at such place under the proviso to sub-rule (1) have not been received" shall be substituted;

(ii) after the words, brackets and figure "under sub-rule (1)" the words "at any place fixed under that sub-rule" shall be inserted.

8. In rule 46 of the said rules—

(1) in sub-rule (1)—

(a) in clauses (i) and (v), for the words "all the ballot boxes used at the poll" the words "all such ballot boxes as contain the ballot papers which are to be counted at such place" shall be substituted;

(b) in clause (vi)—

(i) for the words "One ballot box shall be opened at a time and" the words "As each ballot box is opened for counting" shall be substituted;

(ii) the words "the same procedure shall then be followed in respect of the other ballot boxes and the ballot papers contained therein" shall be omitted;

(c) in clause (viii), for the words "separate cover" the words "separate packet" shall be substituted;

(d) in clause (ix)—

(i) for the words "all the covers" the words "all the packets" shall be substituted;

(ii) for the words "in a separate packet" the words "together in a separate container or containers" shall be substituted;

(iii) for the words "all such packets" the words "all such containers" shall be substituted;

(iv) for the words "each such packet" the words "each such container" shall be substituted; and

(v) for the words "in such packet" the words "in such container" shall be substituted;

(e) in the second sub-paragraph, for the words "After completing the counting of ballot papers contained in all the ballot boxes" the words "After the counting of ballot papers contained in all the ballot boxes used at all the polling stations in the constituency has been completed" shall be substituted;

(2) for sub-rule (3) the following sub-rule shall be substituted, namely:—

"(3) After the counting of ballot papers contained in all the ballot boxes used at all the polling stations in the constituency and of the votes recorded on postal ballot papers has been completed, the Returning Officer shall—

(a) in the case where such votes have been counted at one place, record in the statement in Form 14 the total number of votes polled by each candidate, and

(b) in the case where such votes have been counted at more places than one, prepare a consolidated statement in Form 14A recording in that statement the total number of votes polled by each candidate in the entire constituency."

9. To rule 48 of the said Rules the following further proviso shall be added, namely :—

"Provided further that where votes have been counted at more places than one, no such application for a recount shall be entertained unless it is made at any such place immediately after the account of the ballot papers found in the ballot boxes and counted at such place has been recorded in the statement in Form 14 and it relates only to the counting of votes at such place."

10. For rule 67 of the said Rules, the following rule shall be substituted, namely :—

"67. *Attestation of elector's signature on the ballot paper.*—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper either by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified or—

(a) in the case referred to in clause (a) of sub-rule (3) of rule 65, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;

(b) in the case referred to in clause (b) of that sub-rule by an officer not below the rank of a Deputy Secretary to Government;

(c) in the case referred to in clause (c) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;

(d) in the case referred to in clause (d) of that sub-rule, by the Superintendent of the Jail or the Commandant of the Detention Camp in which the elector is under detention; and

(e) in other cases, by such other person as may be notified in this behalf by the Election Commission.

11. In Schedule I to the said Rules—

(a) in Form 11—

(i) after paragraph 2 of the instruction, the following paragraph shall be inserted, namely:—

"2A. The candidates whose names are marked with† are members of the Scheduled Castes/ (and) the candidates whose names are marked with‡ are members of the Scheduled Tribes.";

(ii) for paragraph 4 of the instructions, the following paragraph shall be substituted namely:—

"4. An elector shall obtain the attestation of his signature on the back of this form either by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified, or—

(a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has

been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;

(b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government;

(c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such person by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident; and

(d) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention;

(b) after Form 14, the following new Form shall be inserted, namely:—

"FORM 14-A.

[Rule 46 (3)]

Consolidated Account of Ballot Papers.

House of the People
.....Legislative Assembly
.....Electoral College

Election for.....Constituency, 19 .

Name of candidate.....

Serial No. of entry	Place of the Counting	Number of valid votes in ballot boxes

Total number of valid votes recorded in ballot papers contained in the ballot boxes.....

Total number of valid votes recorded on postal ballot papers.....

Total votes polled.....

Date.....

Signature of Returning Officer.";

(c) in Form 18, for paragraph 5 of the Instructions, the following paragraph shall be substituted, namely:—

"5. An elector shall obtain the attestation of his signature on the back of this form either by a Magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified, or—

(a) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed;

(b) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (a) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government;

(c) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such person, by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident;

(d) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and

(e) in other cases, by any of the following persons who have been notified in this behalf by the Election Commission, namely :—

.....

.....

.....

[No. F. 134(3)/51-C.]

S. N. MUKERJEE, Jt. Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

No. L.D. 1762—Legis. 4-51-79, dated Bangalore, 22nd December 1951.

Ordered that the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act, 1951 (Central Act LXXI of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 29th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

Received Assent on 28th November 1951.

THE ANCIENT AND HISTORICAL MONUMENTS AND ARCHÆOLOGICAL SITES AND REMAINS (DECLARATION OF NATIONAL IMPORTANCE) ACT, 1951.

(LXXI OF 1951)

AN

ACT

to declare certain ancient and historical monuments and archæological sites and remains in Part A States and Part B States to be of national importance and to provide for certain matters connected therewith.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act, 1951.

2. **Declaration of certain monuments and archæological sites and remains to be of national importance.**—The ancient and historical monuments referred to or specified in Part I of the Schedule and the archæological sites and remains referred to or specified in Part II thereof are hereby declared, respectively, to be ancient and historical monuments and archæological sites and remains of national importance.

3. **Application of Act VII of 1904 to ancient monuments, etc., declared to be of national importance.**—All ancient and historical monuments and all archæological sites and remains declared by this Act to be of national importance shall be deemed to be protected monuments and protected areas, respectively, within the meaning of

the Ancient Monuments Preservation Act, 1904, and the provisions of that Act shall apply accordingly to the ancient and historical monuments or archæological sites and remains, as the case may be, and shall be deemed to have so applied at all relevant times.

THE SCHEDULE.

(*See* section 2)

PART I

Ancient and Historical Monuments

I. All ancient and historical monuments in Part A States and Part B States which, before the commencement of this Act, have either been declared by the Central Government, to be protected monuments within the meaning of the Ancient Monuments Preservation Act, 1904, or which have been taken possession of by the Central Government as protected monuments.

II. The following ancient and historical monuments in Part B States not covered by Item No. I immediately preceding :—

Sl. No.	Name of monument	Locality
	HYDERABAD STATE.	
	District Aurangabad	
1	Ajanta Caves	Ajanta
2	Aurangabad Caves	Aurangabad
3	Daulatabad Fort and Monuments therein (*e.g.*, Chand Minar).	Daulatabad
4	Ellora Caves	Ellora
5	Pithalkhora Caves	Pithalkora
6	Tomb of Aurangzeb	Khuldabad
7	Tomb of Malik Ambar	Do
8	Tomb of Rabia Daurani (Bibi-ka-Maqbara) ...	Aurangabad
	District Bidar	
9	Baihmani Tombs	Ashtur
10	Barid Shahi Tombs	Bidar City
11	Bidar Fort	Do
12	Madrasa Mahmud Gawan	Do
	District Gulbarga	
13	Gulbarga Fort and Great Mosque in the Fort ...	Gulbarga
14	Hafth Gumbad Tomb of Firoz Shah	Do
	District Hyderabad	
15	Char Minar	Hyderabad City
16	Golconda Fort and Tombs	Golconda
	District Parbhani	
17	Nagnath Temple	Aundha
	District Raichur	
18	Alampur Temples	Alampur
19	Mahadev Temple	Ittagi

Sl. No.	Name of monument	Locality
	HYDERABAD STATE—*concld.*	
	District Warangal	
20	Ramappa Temple	Palampet
21	Thousand Pillar Temple	Hanamkonda
22	Warangal Fort, Defences and Gateways ...	Warangal
	MADHYA BHARAT STATE	
	District Bhilsa	
1	Athakhamba	Gyaraspur
2	Bajramath	Do
3	Hindola Torana	Do
4	Maladevi Temple	Do
5	Bara Khambi	Udaypur
6	Pisnarika Temple	Do
7	Udayeshwar Mahadeva Temple	Do
8	Bhimagaja	Pathari
9	Caves	Do
10	Bijamandal Mosque	Bhilsa
11	Lohangi Hill Capital	Do
12	Caves 1 to 20	Udaygiri
13	Dashavatara Temple	Badoh
14	Gadarmal Temple	Do
15	Jain Temple	Do
16	Sola Khambi	Do
17	Khamb Baba (Heliodoras Pillar)	Besnagar
	District Bhind	
18	Brick Temples (two)	Kherat
19	Open Air Museum	Do
20	Fort	Ater
	District Dewas	
21	Siddheshwar Temple	Nemawar
22	Unfinished Temple	Do
	District Dhar	
23	Adar Gumbaz	Mandu
24	Alamgir Gate	Do
25	Ancient Hindu Baodi	Do
26	Ancient Hindu Well	Do
27	Andheri Baodi	Do
28	Ashrafi Mahal	Do
29	Baz Bahadur's Palace	Do
30	Bhagwania Gate	Do
31	Bhangi Gate	Do
32	Champa Baodi	Do
33	Chhapan Mahal	Do
34	Chistikhan's Mahal	Do
35	Chor Kot	Do
36	Charakot Mosque	Do
37	Nahar Jharokha Compound	Do
38	Daika Mahal	Do
39	Daike Chhote Behen ka Mahal	Do
40	Darya Khan's tomb	Do

Sl. No.	Name of monument	Locality
	MADHYA BHARAT STATE—*contd.*	
	District Dhar—contd.	
41	Delhi Gate	Mandu
42	Dharmashalla	Do
43	Dilawarkhan's Mosque	Do
44	Ek-khamba Mahal	Do
45	Gadhasa's Palace	Do
46	Gadhasa's shop	Do
47	Gadi Dharmaja	Do
48	Hammam	Do
49	Hathi Gate	Do
50	Hathi Mahal	Do
51	Hindola Mahal	Do
52	Hoshang's tomb	Do
53	Jahaz Mahal	Do
54	Jahangirpur Gate	Do
55	Jama Masjid	Do
55A.	Kali Baodi	Do
56	Kapoor Talao and the ruins on its banks ...	Do
57	Lal Bag	Do
58	Lal Bungalow	Do
59	Lohani Caves	Do
60	Lohani Gate	Do
61	Jali Mahal	Do
62	Nahar Jharoka	Do
63	Mahmud's tomb	Do
64	Malik Moghi's Mosque	Do
65	Mosque near Sopi Tanka	Do
66	Mosque near Tarapur Gate	Do
67	Mosque north-west of Daryakhan's tomb ...	Do
68	Nameless Tomb	Do
69	Nameless Tomb	Do
70	Nameless Tomb	Do
71	Nameless Tomb	Do
72	Neelkanth	Do
73	Rampol Gate and the Mosque opposite to it ...	Do
74	Royal Palaces	Do
75	Rupmati Pavilion	Do
76	Caravan Sarai	Do
77	Sarai near Daryakhan's Tomb	Do
78	Sat Kothari Cave	Do
79	Somoti Kund	Do
80	Songarh Gate	Do
81	Tarapur Gate	Do
82	Teveli Mahal	Do
83	Tomb and Mosque attached	Do
84	Tomb north of Almgir Gate	Do
85	Tomb north of Daryakhan's tomb	Do
86	Tower of Victory	Do
87	Tripolia Gate	Do
88	Ujali Baodi	Do
89	Water Palace	Do

Sl. No.	Name of monument	Locality
	MADHYA BHARAT STATE—*contd.*	
	District Dhar—concld.	
90	Bhoja Shala and Kamal Maula's Mosque	Dhar
91	Latki Masjid	Do
92	Buddhist Caves 1 to 7	Bagh
93	Water Palace	Sadalpur
	District Gwalior	
94	Mahadeva Temple	Amrol
95	Tila Monument	Pawaya
96	Tomb of Mohammad Ghaus	Gwalior
	District Guna	
97	Jain Temples 1 to 5	Budhi Chanderi
98	Chanderi Fort and:	
	Bada Madarasa	Chanderi
	Battisi Baodi	Do
	Badal Mahal gateway	Do
	Jama Masjid	Do
	Kati Ghati	Do
	Koshak Mahal	Do
	Nizam-ud-din's tomb	Do
	Shahajadi-ka-Roza	Do
99	Mohajamata temple	Terahi
100	Monastery	Do
101	Torana gate	Do
102	Monastery	Kadwaha
103	Temples 2 to 7	Do
	District Gwalior	
104	Gwalior fort:	
	Chaturbhuj temple	Gwalior
	Mansingh's Palace	Do
	Rock cut Jain colossi	Do
	Sas Bahu temples	Do
	Teli ka Mandir	Do
	District Khargone	
105	Ballaleshwar	Un.
106	Chaubara Dera	Do
107	Gupteshwar	Do
108	Jain temples 1 to 3	Do
109	Temples of Mahakaleshwar 1 and 2	Do
110	Temple of Nilakantheswar	Do
	District Mandasor	
111	Brahmanical Rockcut temples	Dhamnar
112	Buddhist Caves	Do
113	Nau Torana temple	Khor
114	Yasodharman's Pillars of Victory	Sondni

Sl. No.	Name of monument	Locality
	MADHYA BHARAT STATE—*contd.*	
	District Murena	
115	Ekottarso Mahadeva temple	Mitaoli
116	Gadhi	Padhavli
117	Kakanmadh temple	Suhania
118	Temple	Padhavli
119	Temples 1 to 22	Naresar
	District Sivapuri	
120	Large Shiva temple	Mahua
121	Small Shiva temple	Do
122	Monastery	Ranod
123	Monastery	Surwaya
124	Open air museum	Do
125	Shiva temple	Do
126	Surwaya Gadhi	Do
	MYSORE STATE	
	District Bangalore	
1	Aprameyaswamy Temple	Malur
2	Ashurkhana	Doddaballapur
3	Cenotaph	Bangalore
4	Old Dungeon Fort and Gates	Do
5	Tipu Sultan's Palace	Do
6	Fort	Devanahalli
7	Tipu Sultan's Birthplace	Do
8	Syed Ibrahim's Tomb or Bada Makkan	Channapatna
	District Chitaldrug	
9	Akkatangi temple and Asoka inscription on Emmethammananagundu	Siddapur
10	Asoka inscriptions	Brahmagiri
11	Fortress and temples on the hill	Chitaldrug
12	Hariharesvara temple	Haribar
13	Inscription and Jatingi, Rameswar temple	Jatingi Rameswara Hill
14	Santhebagilu and Rangayyanabagilu with preserved bastions	Chitaldrug
	District Hassan	
15	Adinatha Basti	Halebid
16	Hoyasalesvara temple	Do
17	Kedaresvara temple	Do
18	Parsvanatha Basti	Do
19	Santhinatha Basti	Do
20	Akkana Basti	Sravanabelgola
21	Chandragupta Basti	Do
22	Chavundaraya Basti	Do
23	Gomatesvara	Do
24	Inscriptions	Do
25	Parsvanatha Basti	Do
26	Buchesvara temple	Koravangala
27	Fort and Dungeons	Manjarabad

Sl. No.	Name of monument	Locality
	MYSORE STATE—*contd.*	
	District Hassan—concld.	
28	Isvara temple	Arsikere
29	Kalyani	Hulikere
30	Kesava temple and inscriptions	Belur
31	Lakshmidevi temple	Doddagaddavalli
32	Lakshminarasimha temple	Nuggehalli
33	Sadashiva temple	Do
34	Nagesvara and Chennakesava temple	Mosale
	District Kadur	
35	Amritesvara temple	Amritapura
36	Yupastambha and Isvara temple	Hiremagalur
37	Vidyasankara temple	Sringeri
38	Viranarayana temple	Belavadi
	District Kolar	
39	Bhoganandisvara temple	Nandi Hills
40	Tipu's Palace	Do
41	Yoganandisvara temple	Do
42	Haidar Ali's Birthplace	Budikote
43	Kolaramma temple	Kolar
44	Mokhbara (Mausoleum of Hyder Ali's father)	Do
45	Somesvara temple	Do
46	Ramalingesvara temples and inscriptions	Avani
	District Mysore	
47	Arkesvara temple	Hale Alur
48	Gaurisvara temple	Yelandur
49	Kesava temple	Somanathapur
50	Kirthinarayana temple	Talkad
51	Vaidyesvara temple	Do
52	Lakshmikanta temple	Mullur
53	Mallikarjuna temple	Basral
54	Ramesvara temple	Narasamangala
55	Sidlu Mallikarjuna temple	Bettadapur
56	Srikantesvara temple	Nanjangud
57	Sri Vijayanarayana temple	Gundlupet
	District Mandya	
58	Colonel Bailey's Dungeon	Seringapatam
59	Daria Daulat Bagh	Do
60	Gumbaz containing tomb of Tipu Sultan	Do
61	Jumma Masjid	Do
62	Obelisk Monuments and Fort walls near the breach	Do
63	Spot where Tipu's body was found	Do
64	Sri Kanthirava statue in Narasimha temple	Do
65	Sri Ranganathaswami temple	Do
66	T Innman's Dungeon	Do
67	Kesava temple	Nagamangala
68	Lakshminarasimha temple	Marehalli
69	Lakshminarayana temple	Hosaholalu

Sl. No.	Name of monument	Locality
	MYSORE STATE—*contd.*	
	District Mandya—contd.	
70	Lakshminarayana temple	Sindhaghatta
71	Narayanasvami temple	Melkote
72	Panchakuta Basti	Kambadahalli
73	Panchalingesvara temple	Govindanahalli
74	Temples	Tonnur
	District Shimoga	
75	Aghoresvara temple	Ikkeri
76	Anekal temple	Bandalike
77	Somesvara temple	Do
78	Trimurthinarayana temple	Do
79	Bastis and inscriptions	Huncha
80	Bherundesvara temple	Belgavi
81	Kedaresvara temple	Do
82	Tripurantesvara temple	Do
83	Devaganga ponds	Basavanabyane
84	Fort	Chennagiri
85	Fort	Kavaledurga
86	Fortress and Renuka temple	Chandragutti
87	Inscribed pillar	Malavalli
88	Inscribed pillar	Talagunda
89	Pranavesvara temple	Do
90	Jain basti with Brahmadeva Pillar	Melagi
91	Kaitabhesvara temple	Kubatur
92	Parsvanatha Basti	Do
93	Ramesvara temple	Do
94	Mallikarjuna and Ramesvara temples	Kadkalsi
95	Musafirkana and Honda	Santhebennur
96	Palace site outside Fort	Nagar
97	Ramesvara temple	Keladi
98	Ramesvara temple	Kudli
99	Shahji's tomb	Hodigere
100	Shivappa Naik's fort	Nagar
101	Temples and inscriptions	Udri
102	Ditto	Kuppagadde
	District Tumkur	
103	Channigaraya temple	Aralaguppe
104	Fort	Madhugiri
105	Jumma Masjid	Sira
106	Mallik Rihan Darga	Do
107	Kedaresvara temple	Nagalapura
108	Ouennakesava temple	Do
	PATIALA AND EAST PUNJAB STATES UNION	
	District Bhatinda	
1	Bhatinda fort	Bhatinda
	District Kandaghat	
2	Pinjaur gardens and monuments of Fidai Khan	Pinjaur

Sl. No.	Name of monument	Locality
	RAJASTHAN STATE	
	District Alwar	
1	Gumbad Khan-i-Khana	Alwar
2	Siva temple	Do
	District Banswara	
3	Neel Kantha Mahadeva's temple	Banswara
4	Siva temple and Ruins	Arthuna
5	Sun temple	Talwara
	District Bharatpur	
6	Akbar's Chhatri	Bayana
7	Ancient Fort with its monuments	Do
8	Brahmabad Idgah	Do
9	Islam Shah's Gate	Do
10	Jahangir's Gateway	Do
11	Jhajri	Do
12	Lodhi's Minar	Do
13	Saraj Sada-ul-lah	Do
14	Usha Mandir	Do
15	Chaurasi Khamba temple	Kaman
16	Colossal image of Yaksha	Noh
17	Deeg Bhawans (palace)	Deeg
18	Looted Gun	Do
19	Marble Jhoola	Do
20	Delhi Gate	Bharatpur Fort (out side)
21	Fateh Burj near Anah Gate	Bharatpur
22	Jawahar Burj and ashtadhatu gateway	Bharatpur Fort (inside)
23	Lal Mahal	Rupvas
	District Bikaner	
24	Bhandasar Jaina temple	Bikaner
25	Fort Bhatner	Hanumangarh
26	Jain temple of Susani Goddess	Morkhena village
27	Pallu Jaina sculptures	Bikaner
	District Bundi	
28	Wall paintings of Hardoti school in the palace	Bundi
	District Dholpur	
29	Jogni Jogna temple	Dholpur
30	Sher Garh Fort	Do
	District Dungarpur	
31	Jaina temple inscription	Baroda
32	Somnath temple	Dev Somnath
	District Jaipur	
33	Banjaronki Chhatri containing two pillars similar to the railing pillars of Bharhut stupa.	Lalsote

Sl. No.	Name of monument	Locality
	RAJASTHAN STATE—*contd.*	
	District Jaipur—contd.	
34	Baori	Abaneri
35	Harsat Mata-ka-Mandir	Do
36	Baories old	Todaraisingh
37	Kala Pahar temple	Do
38	Kalyanraiji's temple	Do
39	Laxmi Narainji's temple	Do
40	Pipaji's temple (near dispensary)	Do
41	Bisal Deoji's temple	Bisalpur
42	Fresco paintings in the Ambar Palaces (personal property of the Maharaja).	Ambar
43	Harshnath temple	Harshnath—Sikar
44	Jama Masjid	Ambar
45	Laxmi Narainji's temple	Do
46	Sri Jagat Siromaniji temple	Do
47	Sun temple	Do
48	Hathi Batha	Kakore
49	Inscription in Fort	Nagar
50	Mand Kila tal inscription	Do
51	Yupa pillars in Bichpuria temple	Do
52	Inscription	Panwar
53	Jain temple	Sawai Madhopur
54	Persian inscription in a Baori	Alanpur.
55	Punderikji ki Haveli—Paintings in a room	Do
56	Ranthambhore fort	Brahmpure
57	Temple containing Fresco paintings	Ranthambore
58	Yupa pillars recovered from mounds	Gultaji
		Barnala
	District Jaisalmer	
59	Fort including ancient temples	Jaisalmer
	District Jhalawar	
60	Buddhist Caves	Hathiagor
61	Buddhist Caves, Pillars, Idols	Kolvi (Dag)
62	Buddhist Caves and Pillars	Binnayaga (Dag)
63	Caves of Naranjani, etc.	Do
64	Old temples near the Chandrabhaga	Jhalrapatan
	District Jodhpur	
65	Fort	Mandore
	District Karauli	
66	Wall paintings in the Palaces of Maharaja Gopal Lal.	Karuli
	District Kotah	
67	Old temples, statues and inscriptions	Shergarh
68	Siva temple and two unpublished Gupta inscriptions.	Charchoma
69	Temple (12th century)	Baran
70	Temple, fort wall and statues	Dara or Mukandara
71	Temple with inscriptions	Kanswa
72	Yupa pillars	Badva

Sl. No.	Name of monument	Locality
	RAJASTAN STATE—*contd.*	
	District Udaipur	
73	Fort of Chitor as a whole	Chitor
74	Fort of Kumbhalgarh as a whole	Kumbhalgarh
75	Maha Kal and two other temples	Bijholi
76	Rock inscription (12th century)	Do
77	Sas Bahu temples	Nagada
	SAURASHTRA STATE	
1	Ananteshwar temple	Anandpur
2	Ashokan Rock	Junagadh
3	Caves	Do
4	Darbargadh Halvad	Halvad
5	Dhank Caves	Dhank
6	Gop temple	Gop
7	House where Mahatma Gandhi was born and Kirti Mandir.	Porbandar
8	Inscription in the Harsata Mata temple	Veraval
9	Jain temples	Talaja
10	Jama Masjid	Veraval
11	Jami Masjid and Rahimat Masjid, Raveli Masjid	Mangrol
12	Navlakha temple and Step well	Ghumli
13	Navlakha temple	Sejakpur
14	Neminath temple with 3 inscriptions V. S. 1333, 35, 39.	Mt. Girnar
15	Nilakantha temple	Anandpur
16	Pindara, Durvasa Rishi's Ashram and its site	Pindara
17	Ra Khengar Mahal (temple)	Mt. Girnar
18	Ranak Devi's Temple	Wadhwan
19	Sun temple	Than
20	Surya temple	Sutrapada
21	Talaja Caves	Talaja
22	Temples—	Shatrunjay Hill
	Adishwar temple	
	Balabhai's temple	
	Bhulavani temple	
	Chaumukha temple	
	Dalpet Bhai and Bhagu Bhai's Shrine	
	Keshwaji Nayak temple	
	Moti Shah's Tuk temple	
	Nandeshwara Dipa temple	
	Panch Pandava temple	
23	Vastupal Temple	Junagadh
24	Varaha Mandir	Kadwar
	TRAVANCORE-COCHIN STATE	
	District Trichur	
1	Mural Paintings (16—17th Century) on the walls of the Tenkailasanatha temple.	Trichur
2	Mural Paintings (16—17th Century) on the walls of the Mattancheri Palace.	Mattancheri town
3	Mural Paintings (16—17th Century) on the walls of the Siva Temple.	Thiruvanchikulam

Sl. No.	Name of monument	Locality
	TRAVANCORE-COCHIN STATE—*contd.*	
	District Trichur—contd.	
4	Mural Paintings (17—18th Century) on the walls of the Srikoil of the Siva Temple at Chemmanthatta.	Eyyal
5	Mural Paintings on the walls of the Srikoil of the Pallimanna temple.	Vadakkanchery
6	Mural Paintings on the walls of the Sriramaswami temple at Triprayar.	Triprayar
7	Mural Paintings of the 17—18th century on the walls of the Srikoils of ibe Siva Temple at Peruvanam; and wooden bracket images of a still earlier period on the Srikoils of the same shrine.	Oorakam
8	Twenty-nine wooden bracket images on the outer walls of the Srikoil of the Vishnu Temple at Katavallur and other works of art in the same shrine.	Katavallur

PART II

Archæological sites and remains

I. All archæological sites and remains in Part A States and Part B States which, before the commencement of this Act, have either been declared by the Central Government to be protected areas or which have been taken possession of by the Central Government as protected areas.

II. The following archæological sites and remains in Part B States not covered by Item No. I immediately preceding :—

Sl. No.	Name of archæological site or remains		Locality
	HYDERABAD STATE		
	District Aurangabad		
1	Ancient mound	... ...	Paithan
	District Gulbarga		
2	Prehistoric site	... ...	Evathalli
3	Do	... ...	Rajankallur
	District Medak		
4	Ancient mound	... ...	Kondspur
	District Raichur		
5	Ancient mound	... ...	Kopbal
6	Do	... ...	Maski
7	Prehistoric site	... ...	Benkal
	District Warangal		
8	Prehistoric site	... ...	Janampet
	MADHYA BHARAT STATE		
	District Bhilsa		
1	Ancient site	... ...	Besnagar
2	Buddhist stupa	... ...	Gyaraspur
3	Ruins of Gupta temple	... ...	Udaygiri

Sl. No.	Name of archæological site or remains		Locality
	MADHYA BHARAT STATE—*contd.*		
	District Dhar		
4	Ruins in Bhoipura	...	Mandu
5	Ruins on the west of Rewa Kund	...	Do
	District Newar		
6	Excavated site	...	Kasrawad
	District Gird		
7	Ancient site	...	Pawaya
	District Ujjain		
8	Ancient mounds, *viz.*, Bhairon Gadh, Vaishya Tekri, Kumbhar Tekri.		Ujjain
	MYSORE STATE		
	District Bangalore		
1	Prehistoric site	...	Chikjala
2	Do	...	Hejjala
3	Do	...	Managondanahalli
4	Do	...	Sevandurga
	District Chitaldrug		
5	Prehistoric site	...	Brahmagiri
6	Do	...	Chandravalli
	District Kolar		
7	Prehistoric site	...	Hunkunda
	District Mysore		
8	Prehistoric site	...	Kittur
	RAJASTHAN STATE		
	District Alwar		
1	Ancient remains	...	Pandrupol
2	Ancient site	...	Bhangadh
	District Banswara		
3	Ancient remains	...	Vithal Deva
	District Bharatpur		
4	Ancient mound	...	Malah
5	Do	...	Noh
	District Bikaner		
6	Ancient mounds	In the neighbourhood of Suratgarh town.	Badopal
7	Do		Bhadrakali
8	Do		Bhannar Theri
9	Do		Dhokal
10	Do		Manak
11	Do		Munda
12	Do		Peer Sultan
13	Do		Rang Mahal
14	Ancient mounds (3)	...	Kalibanga
15	Ancient mound	...	Pilibanga
16	Do	...	Baror (Anupgarh Tahsil).
17	Ancient mounds (2)	...	Binjor (Anupgarh Tahsil).

Sl. No.	Name of archæological site or remains	Locality
	RAJASTHAN STATE—*contd.*	
	District Bikaner—contd.	
18	Ancient mound ...	... Chak 86 (Do)
19	Ancient mounds (2) ...	... Mathula (Do)
20	Ancient mound ...	... Tarkhanewala Dera (Do)
	District Bundi	
21	Ancient mounds ...	... Nainwa, Lakheri and Keshwarai Patan.
	District Jaipur	
22	Ancient mound	... Abaneri
23	Do ...	... Bundwali Doongri
24	Do ...	... Gariagarh (Newai)
25	Do ...	... Maheshra
26	Do ...	... Nagar
27	Do ...	... Raniwas
28	Do ...	... Sikrai
29	Devapura Barodia mounds ...	... Jhalai
30	Excavated site ...	... Nagar
31	Do ...	... Rairh (Newai)
32	Excavated sites ...	... Bairat and Sambhar
	District Jaisalmer	
33	Ancient site ...	... Lodruva Patan
	District Jhalawar	
34	Ancient ruins ...	... Dalsagar Ganga Dhar
35	Do ...	... Dudhaliya (Dag)
	District Kotah	
36	Ancient ruins and structural remains	... Krishnavilas
37	Ruins of temples ...	... Artu or Ganesh Ganj
	District Udaipur	
38	Ancient ruins ...	... Kalyanpur
39	Do ...	... Nagari
40	Do ...	... Badoli
	SAURASHTRA STATE	
1	Ancient mound ...	... Darbargadh Shihor
2	Do ...	... Intwa
3	Do ...	... Rangpur
4	Do ...	... Sejakpur
5	Do ...	... Valabhipur
	TRAVANCORE-COCHIN STATE	
1	Ariyannur Umbrellas. A prehistoric site consisting of seven or more Kudakals or umbrella stones.	Ariyannur
2	Burial cave of Chovannur ...	... Chovannur
3	Burial caves of Eyyal ...	... Eyyal
4	Burial cave of Kandanasseri ...	... Kandanasseri
5	Burial cave of Kattakampal ...	... Kattakampal
6	Burial cave of Kakkad ...	... Kunnamkulam
7	Kudakallu Parambu. A prehistoric site consisting of 50 to 60 Kudakals or umbrella monuments.	Cheramanagad

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION.

No. L.D. 1803—Legis 4-51-81, dated Bangalore, 5th January 1952.

Ordered that the Foreign Exchange Regulation (Amendment) Ordinance, 1951 (Central Ordinance No. X, 1951) published in the *Gazette of India*, Part II, Section 1, dated the 27th December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE FOREIGN EXCHANGE REGULATION (AMENDMENT) ORDINANCE, 1951.

No. X OF 1951.

An Ordinance further to amend the Foreign Exchange Regulation Act, 1947.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short Title and Commencement.—(1) This Ordinance may be called the Foreign Exchange Regulation (Amendment) Ordinance, 1951.

(2) It shall come into force at once.

2. Amendment of section 2, Act VII of 1947.—In section 2 of the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the principal Act), clause (*o*) shall be omitted.

3. Amendment of section 8, Act VII of 1947.—In section 8 of the principal Act, sub-section (*3*) shall be omitted.

4. Amendment of section 12, Act VII of 1947.—In sub-section (*1*) of section 12 of the principal Act, for the words "prohibit the export" the words "prohibit the taking or sending out by land, sea or air (hereafter in this section referred to as export)" shall be substituted.

5 Substitution of new section for section 18 in Act VII of 1947.—For section 18 of the principal Act, the following section shall be substituted, namely :—

"18. *Certain provisions as to companies.*—(*1*) Where there is served on any person resident in the States a notice in writing that the Central Government or the Reserve Bank wishes any such requirements as are hereinafter mentioned to be complied with by any such company as is specified in *Explanation I* [hereafter in this sub-section and in sub-section (*2*) referred to as a foreign company] and that person can by doing or refraining from doing any act —

(*a*) cause the foreign company to comply with any of the requirements, or

(*b*) remove any obstacle to the foreign company complying with any of the requirements, or

(*c*) render it in any respect more probable that the foreign company will comply with any of the requirements,

then, except so far as permission to the contrary may be given by the Central Government or, as the case may be, by the Reserve Bank, that person shall do or, as the case may be, refrain from doing that act.

(*2*) The requirements with respect to which a notice under sub-section (*1*) may be given are as follows, that is to say, the foreign company shall—

(*i*) furnish to the Central Government or, as the case may be, to the Reserve Bank such particulars as to its assets and business as may be mentioned in the notice ;

(*ii*) sell or procure the sale to an authorised dealer of any foreign exchange mentioned in the notice, being foreign exchange which it is entitled to sell or of which it is entitled to procure the sale ;

(*iii*) declare and pay such dividend as may be mentioned in the notice ;

(*iv*) realise any of its assets mentioned in the notice in such manner as may be so mentioned ;

(*v*) refrain from selling or transferring or doing anything which affects its rights or powers in relation to any such instruments or securities as may be mentioned in the notice.

(*3*) Except with the general or special permission of the Reserve Bank, no person resident in the States shall do any act whereby a company which is controlled by persons resident in India ceases to be so controlled.

(*4*) Except with the general or special permission of the Reserve Bank, no person resident in the States shall lend any money either to any company (other than a banking company) which is controlled directly or indirectly by persons resident outside India elsewhere than in the territories notified in this behalf by the Reserve Bank or to any such person.

Explanation I.—The companies referred to in sub-section (*1*) are companies not incorporated under any law in force in the States in the case of which any of the following conditions is fulfilled :—

(*a*) that the company is by any means controlled (directly or indirectly) by persons resident in the States ; or

(*b*) that more than one-half of the sums which, on a liquidation thereof, would be receivable by holders of share or loan capital, would be receivable directly or indirectly by, or for the benefit of, persons resident in the States ; or

(*c*) that more than one-half of the assets which, on a liquidation thereof, would be available for distribution after the payment of creditors, would be

receivable directly or indirectly by, or for the benefit of, persons resident in the States ; or

(*d*) that more than one-half—

(i) of the interest payable on its loans and loan capital, if any, or

(ii) of the dividends payable on its preference share capital, if any, or

(iii) of the dividends payable on its share capital, if any, not being preference share capital,

is receivable directly or indirectly by, or for the benefit of, persons resident in the States.

Explanation II.—Where the identity of the persons by whom, or for whose benefit, any sum, assets, interest or dividends are directly or indirectly receivable depends on the exercise by any person resident in the States of a power vested in him in that behalf, the sum, assets, interest or dividends shall, for the purposes of this sub-section, be deemed to be receivable directly or indirectly by, or for the benefit of, persons resident in the States."

6. Amendment of section 19, Act VII of 1947.—For sub-section (2) of section 19 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) Where for the purposes of this Act the Central Government or the Reserve Bank considers it necessary or expedient to obtain and examine any information, book or other document in the possession of any person or which in the opinion of the Central Government or the Reserve Bank it is possible for such person to obtain and furnish, the Central Government or, as the case may be, the Reserve Bank may, by order in writing, require any such person (whose name shall be specified in the order) to furnish it or any person specified in the order with such information, book or other document."

7. Amendment of section 23, Act VII of 1947.—In sub-section (3) of section 23 of the principal Act, after the words "or the Reserve Bank" the words "by a general or special order" shall be inserted.

8. Insertion of new section 23A and 23B in Act VII of 1947.—After section 23 of the principal Act, the following sections shall be inserted, namely :—

"23A. *Application of Sea Customs Act, 1878.*—Without prejudice to the provisions of section 23 or to any other provision contained in this Act, the restrictions imposed by sub-sections (*1*) and (*2*) of section 8, sub-section (*1*) of section 12 and clause (*a*) of sub-section (*1*) of section 13 shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (VIII of 1878), and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word 'shall' therein the word 'may' were substituted.

23B. *Attempts.*—Whoever attempts to contravene any of the provisions of this Act or of any rule, direction or order made thereunder shall be deemed to have contravened that provision, rule, direction or order, as the case may be."

9. Amendment of section 24, Act VII of 1947.—Section 24 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely :—

"(*2*) Where any person is prosecuted for contravening the provisions of sub-section (*3*) of section 4, the burden of proving that the foreign exchange acquired by such person has been used for the purpose for which permission to acquire it was granted shall be on him."

10. Insertion of new section 24A in Act VII of 1947.—After section 24 of the principal Act, the following section shall be inserted, namely :—

"24A. *Presumption as to documents in certain cases.*—Where any document is furnished by any person under sub-section (2) of section 19, or has been seized under sub-section (3) of that section, and such document is tendered by the prosecution in evidence against him, the court shall, unless the contrary is proved by any such person, presume—

(a) the truth of the contents of such document;

(b) that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person's handwriting, and in the case of a document stamped, executed or attested, that it was duly stamped and executed or attested by the person by whom it purports to have been so executed or attested."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

No. L.D. 2233—Legis. 4-51-96, dated Bangalore, 29th February 1952.

Ordered that the Indian Explosives (Amendment), Act, 1952 (Central Act No. III of 1952), published in the *Gazette af India* Part, II, Section 1, dated the 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 22nd February 1952.

THE INDIAN EXPLOSIVES (AMENDMENT) ACT, 1952 (III OF 1952).

AN

ACT

Further to amend the India Explosives Act, 1884.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Explosives (Amendment) Act, 1952.

2. Amendment of section 5, Act IV of 1884.—For sub-section (3) of section 5 of the Indian Explosives Act, 1884 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely :—

"(3) Any person contravening the rules made under this section shall be punishable,—

(a) if he imports or manufactures any explosive in such contravention, with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both ;

(b) if he possesses, uses, sells or transports any explosive in such contravention, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both; and

(c) in any other case, with fine which may extend to one thousand rupees."

3. Amendment of section 6, Act IV of 1884:—In sub-section (3) of section 6, of the principal Act,—

(i) for the words "shall be punished with fine which may extend to three thousand rupees" the words "shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both" shall be substituted ; and

(ii) for the words "each be punished with fine which may extend to three thousand rupees", the words "each be punishable with fine which may extend to five thousand rupees" shall be substituted.

K. V. K. SUNDARAM,
Secretary to the Government of India.

NOTIFICATION

No. L. D. 2314—Leg. 4-51-99, dated Bangalore, 10th March 1952.

Ordered that the Appropriation Act, 1952 (Central Act No. XIII of 1952), published in Part II, Section 1, of the *Gazette of India*, dated the 4th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

Received Assent on 4th March 1952

MINISTRY OF LAW

THE APPROPRIATION ACT, 1952 (XIII OF 1952).

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1952.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation Act, 1952.

2. Issue of Rs. 93,23,53,000 out of the Consolidated Fund of India for the year 1951-52.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ninety-three crores, twenty-three lakhs and fifty-three thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1952, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1952.

SCHEDULE.

(*See* Sections 2 and 3)

No. of vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
1	Ministry of Commerce and Industry	3,25,000	...	3,25,000
3	Commercial Intelligence and Statistics	50,000	...	50,000
5	Indian Posts and Telegraphs Department (including working expenses)	...	3,70,000	3,70,000
7	Overseas Communications Service ...	8,32,000	...	8,32,000
10	Defence Servcies—Effective—Army ...	10,85,02,000	...	10,85,02,000
18	Ministry of External Affairs ...	6,02,000	...	6,02,000
19	Tribal areas	14,42,000	...	14,42,000
20	External Affairs	8,23,000	...	8,23,000
22	Customs	11,37,000	...	11,37,000
23	Union Excise Duties ...	2,03,14,000	...	2,03,14,000
26	Stamps	4,06,000	14,000	4,20,000
27	Payments to other Governments, Departments, etc. ...	8,27,000	...	8,27,000
29	Joint-stock Companies ...	58,000	...	58,000
30	Miscellaneous Departments ...	1,000	...	1,000
31	Currency	23,38,000	28,000	23,66,000
33	Superannuation Allowances and Pensions	27,50,000	...	27,50,000
34	Miscellaneous	24,33,000	...	24,33,000
35	Grants-in-aid to States ...	25,00,000	...	25,00,000
36	Miscellaneous Adjustments between the Union and State Governments	20,000	...	20,000

No of vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
42	Survey of India	3,24,000	...	3,24,000
43	Botanical Survey	11,000	...	11,000
45	Agriculture	54,77,000	...	54,77,000
46	Civil Veterinary Services ...	1,000	...	1,000
57	Ajmer	40,78,000	...	40,78,000
60	Broadcasting	1,22,000	...	1,22,000
64	Ministry of Natural Resources and Scientific Research ...	48,000	...	48,000
73	Territorial and Political Pensions ...	...	14,41,000	14,41,000
74	Kutch	5,31,000	...	5,31,000
78	Vindhya Pradesh	7,46,000	...	7,46,000
79	Manipur	60,000	...	60,000
80	Tripura	1,06,000	...	1,06,000
81	Relations with States	2,11,000	...	2,11,000
84	Lighthouses and Lightships ...	1,50,000	...	1,50,000
87	Ministry of Works, Production and Supply	1,000	...	1,000
88	Supplies	32,43,000	...	32,43,000
91	Stationery and Printing ...	88,00,000	...	88,00,000
91-A	Stamps Cancelling and Printing Ink Manufacturing Factory ...	2,90,000	...	2,90,000
	Charged—Staff, Household and Allowances of the President ...	..	69,000	69,000
	Charged—Union Public Service Commission	...	52,000	52,000
96	Defence Capital Outlay ...	3,18,15,000	...	3,18,15,000
98	Capital Outlay on Industrial Development	1,000	...	1,000
101	Commuted Value of Pensions ...	59,51,000	...	59,51,000
103	Capital Outlay on the Schemes of Government Trading ...	1,000	...	1,000
103-A	Transfer of the sale proceeds of American loan wheat to the Special Development Fund.	71,00,00,000	...	71,00,00,000
104	Capital Outlay on Development ...	1,30,52,000	...	1,30,52,000
105	Loans and Advances by Central Government	...	...	...
	Total ...	93,03,79,000	19,74,000	93,23,53,000

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION.

No. L.D. 2315—Legis. 4-51-100, dated Bangalore, 10th March 1952.

Ordered that the Appropriation (Railways) Act, 1952 (Central Act No. XV of 1952) published in Part II, section 1, of the *Gazette of India*, dated the 4th March 1952 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

Received Assent on 4th March 1952.)

The Appropriation (Railways) Act, 1952 (XV of 1952).

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March 1952, for the purposes of Railways.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Appropriation (Railways) Act, 1952.

2. Issue of Rs. 7,69,24,000 out of the Consolidated Fund of India for the year 1951-52.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven crores, sixty-nine lakhs and twenty-four thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March 1952, in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 19 2.

SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
4	Working Expenses—Administration	22,27,000	...	22,27,000
5	Working Expenses—Repairs and Maintenance ...	1,47,07,000	...	1,47,07,000
6	Working Expenses—Operating Staff	41,14,000	...	41,14,000
7	Working Expenses—Operation (Fuel)	1,29,88,000	...	1,29,88,000
8	Working Expenses—Operation (other than Staff and Fuel)	1,42,38,000	...	1,42,38,00
9A	Working Expenses—Labour Welfare	22,37,000	...	22,37,000
17	Open Line Works—Replacements	2,64,13,000	...	2,64,13,000
	Grand Total ...	7,69,24,000	...	7,69,24,000

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

Order No. L.D. 105—Legis. 11-51-15, dated Bangalore, 2nd April 1952.

Ordered that the Constitution (Application to Jammu and Kashmir) (Amendment) Order, 1952 (C.O. 39), published in the *Gazette of India*, Part II, Section 3, dated the 20th March 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 20th March 1952.

S.R.O. 528.—The following Order made by the President is published for general information :—

C. O. 39.

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) (AMENDMENT) ORDER, 1952.

In exercise of the powers conferred by clause (1) of article 370 of the Constitution of India, the President, in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) (Amendment) Order, 1952.

(2) It shall come into force at once.

2. In the Second Schedule to the Constitution (Application to Jammu and Kashmir) Order, 1950, in the entry in the third column relating to Part V, after modification (1), the following modification shall be inserted, namely :—

"(1A) Articles 54 and 55 shall apply subject to the modifications—

(*a*) that the references therein to the elected members of both Houses of Parliament and to each elected member of either House of Parliament shall be deemed to include, respectively, a reference to the representatives of the State in those Houses and to each such representative,

(*b*) that the references to the elected members of the Legislative Assemblies of the States and to each such elected member shall be deemed to include, respectively, a reference to the members of the Constituent Assembly of the State and to each such member, and

(*c*) that the population of the State shall be deemed to be forty-four lakhs and ten thousand."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM, *Secy.*

Printed by the Director of Printing, Stationery and Publications, at the Government Press, Bangalore.

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Reg. No. M. 1175

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, MONDAY, DECEMBER 24, 1951

PART IV

Section I-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1766—Legis. 11-51-8, dated Bangalore, 24th December 1951.

Ordered that the Mysore State (Cesser of Central Control) Order, 1951 (C.O. 35), published in the *Gazette of India*, Part II, Section 3, dated the 7th December 1951, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION

New Delhi, the 7th December 1951.

S.R.O. 1977. The following Order made by the President is published for general information :—

C.O. 35

THE MYSORE STATE (CESSER OF CENTRAL CONTROL) ORDER, 1951.

In exercise of the powers conferred by the proviso to article 371 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Mysore State (Cesser of Central Control) Order, 1951.

   (2) It shall come into force at once.

2. The provisions of article 371 of the Constitution shall not apply to the State of Mysore.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, DECEMBER 20, 1951. [No. 50

PART IV.

Section I-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1706—Legis. 4-51-77, dated Bangalore, 12th December 1951.

Ordered that the Industrial Disputes (Amendment) Ordinance 1951 (Central Ordinance No. IX of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 5th December 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE INDUSTRIAL DISPUTES (AMENDMENT) ORDINANCE, 1951.

NO. IX OF 1951.

An Ordinance further to amend the Industrial Disputes Act, 1947.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(*1*) This Ordinance may be called the Industrial Disputes (Amendment) Ordinance, 1951.

(*2*) It shall come into force at once.

2. Amendment of section 10, Act XIV of 1947.—In section 10 of the Industrial Disputes Act, 1947,—

(*a*) in sub-section (*1*),—

(*i*) for the words "If any industrial dispute exists or is apprehended, the appropriate Government may" the words "Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time" shall be substituted;

(*ii*) in clause (c), after the words "refer the dispute" the words "or any matter appearing to be connected with, or relevant to, the dispute" shall be inserted; and

(*b*) after sub-section (*3*), the following sub-sections shall be inserted, namely:—

"(*4*) Where in an order referring an industrial dispute to a Tribunal under this section or in a subsequent order, the appropriate Government as specified the points of dispute for adjudication, the Tribunal shall confine its adjudication to those points.

(*5*) Where a dispute concerning any establishment or establishments has been, or is to be, referred to a Tribunal under this section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, by order in writing include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

No. L.D. 1540—Legis. 4-51-74, dated Bangalore, 18th November 1951.

Ordered that the Displaced Persons (Debts Adjustment) Act, 1951 (Central Act No. LXX of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 8th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,
N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received assent on 7th November 1951.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE DISPLACED PERSONS (DEBTS ADJUSTMENT) ACT, 1951.

(LXX OF 1951).

AN

ACT

to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto.

BE it enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Displaced Persons (Debts Adjustment) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States or for different parts thereof.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "company" means a company as defined in the Indian Companies Act, 1913 (VII of 1913), and includes a company deemed to be registered under that Act by reason of any of the provisions contained in this Act ;

(2) "Companies Act" means the Indian Companies Act, 1913 (VII of 1913) ;

(3) "compensation" means any compensation paid, whether in cash or in kind, in respect of any immovable property in West Pakistan belonging to a displaced person under any general Scheme arrived at in this behalf between the Government of India and the Government of Pakistan or framed by the Government of India ;

(4) "co-operative society" means a co-operative society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force in any State for the registration of co-operative societies ;

(5) "Co-operative Societies Act" means the Co-operative Societies Act, 1912 (II of 1912), and includes any other law for the time being in force in any State relating to co-operative societies ;

(6) "debt" means any pecuniary liability, whether payable presently or in future, or under a decree or order of a civil or revenue court or otherwise, or whether ascertained or to be ascertained, which—

(*a*) in the case of a displaced person who has left or been displaced from his place of residence in any area now forming part of West Pakistan, was incurred before he came to reside in any area now forming part of India ;

(*b*) in the case of a displaced person who, before and after the 15th day of August, 1947, has been residing in any area now forming part of India, was incurred before the said date on the security of any immovable property situate in the territories now forming part of West Pakistan :

Provided that where any such liability was incurred on the security of immovable properties situate both in India and in West Pakistan, the liability shall be so apportioned between the said properties that the liability in relation to each of the said properties bears the same proportion to the total amount of the debts as the value of each of the properties as at the date of the transaction bears to the total value of the properties furnished as security, and the liability, for the purposes of this clause, shall be the liability which is relatable to the property in West Pakistan.;

(*c*) is due to a displaced person from any other person (whether a displaced person or not) ordinarily residing in the territories to which this Act extends ;

and includes

any pecuniary liability incurred before the commencement of this Act by any such person as is referred to in this clause which is based on, and is solely by way of renewal of, any such liability as is referred to in sub-clause (*a*) or sub-clause (*b*) or sub-clause (*c*) :

Provided that in the case of a loan, whether in cash or in kind, the amount originally advanced and not the amount for which the liability has been renewed shall be deemed to be the extent of the liability ;

but does not include

any pecuniary liability due under a decree passed after the 15th day of August, 1947, by any court situate in West Pakistan or any pecuniary liability the proof of which depends merely on an oral agreement ;

(7) " displaced bank " means a banking company which, before the 15th day of August, 1947, carried on the business of banking, whether wholly or partially in any area now forming part of West Pakistan and is declared to be a displaced bank within the meaning of this Act by the Central Government by notification in the Official Gazette ;

(8) " displaced creditor " means a displaced person to whom a debt is due from any other person, whether a displaced person or not ;

(9) " displaced debtor " means a displaced person from whom a debt is due or is being claimed ;

(10) " displaced person " means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of West Pakistan, has, after the 1st day of March, 1947, left, or been displaced from, his place of residence in such area and who has been subsequently residing in India, and includes any person who is resident in any place now forming part of India and who for that reason is unable or has been rendered unable to manage, supervise or control any immovable property belonging to him in West Pakistan, but does not include a banking company ;

(11) " prescribed " means prescribed by rules made under this Act ;

(12) " Tribunal " means any civil court specified under section 4 as having authority to exercise jurisdiction under this Act ;

(13) "verified claim" means any claim registered under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), in respect of which a final order has been passed under that Act relating to its verification and valuation ;

(14) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

3. *Over-riding effect of Act, rules and orders.*—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any decree or order of a court, or in any contract between the parties.

4. *Tribunals competent to exercise jurisdiction under this Act.*—The State Government may, by notification in the Official Gazette, specify any civil court or class of civil courts as the Tribunal or Tribunals having authority to exercise jurisdiction under this Act and may define the areas in which and the extent to which such jurisdiction may be exercised.

CHAPTER II.

DEBT ADJUSTMENT PROCEEDINGS.

5. *Application by displaced debtors for adjustment of debts.*—(1) At any time within one year after the date on which this Act comes into force in any local area, a displaced debtor may make an application for the adjustment of his debts to the Tribunal within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business or personally works for gain.

(2) Every application by a displaced debtor shall contain the following particulars, namely :—

(*a*) the place where he resides ;

(*b*) the trade, calling, profession or other employment in which he is now engaged and in which he was engaged in West Pakistan before he became a displaced person ;

(*c*) his average annual income in India during the three years immediately preceding the application ;

(*d*) the income-tax and the super-tax, if any, to which he has been assessed for the three years immediately preceding the application ;

(*e*) such other particulars as may be prescribed ;

and shall be accompanied by the following schedules, namely :—

(i) a schedule containing full particulars of all his debts, whether owed jointly or individually, with the names and addresses of his creditors and joint-debtors, if any, so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by him ;

(ii) a schedule of all his properties, both movable and immovable (including claims due to him) which are not liable to attachment either under the Code of Civil Procedure, 1908 (Act V of 1908), as amended by section 31 of this Act or under any other law for the time being in force, a specification of the values thereof and of the places where the same may be found ;

(iii) a schedule of all his properties, both movable and immovable (including claims due to him) which are not included in the schedule under item (ii) of this clause ; and

(iv) a schedule of all his properties in respect of which a claim has been submitted to the registering officer under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), and, where any order has been passed in relation to the verification and valuation of the claim under that Act, with a certified copy of the order.

(3) All persons whose names are shown in any schedule as having claims against the displaced debtor and all persons whose names are shown as joint-debtors shall be deemed to be the respondents to the application and there shall be filed along with the application, or with the permission of the Tribunal at any later stage of the proceedings, as many copies of the application and as many envolopes and notices in the prescribed form duly addressed to the respondents as there are respondents.

6. *Rejection of application in certain cases.*—Where an application made under section 5 does not comply with any of the requirements of that section the Tribunal may either reject it, or grant to the applicant such further time as it thinks fit to comply with such requirements.

7. *Issue of notice.*—If the application is not rejected under section 6, the Tribunal shall, after causing the date for the hearing of the application to be entered in the notices referred to in section 5, cause them to be served on the respondents.

8. *Objection by respondents.*—In response to a notice under section 7, the respondent may show cause against the application by filing a written statement containing his objections to the application:

Provided that where he does not appear in person or through any authorised agent, the written statement may be sent by registered post, acknowledgment due to the Tribunal after having been signed in the presence of a civil judicial officer or a magistrate or any other prescribed officer and duly attested by such officer or magistrate.

9. *Proceeding after service of notice on respondents.*—(1) If there is a dispute as to whether the applicant is a displaced person or not or as to the existence or the amount of the debt due to any creditor or the assets of any displaced debtor, the Tribunal shall decide the matter after taking such evidence as may be adduced by all the parties concerned and shall pass such decree in relation thereto as it thinks fit.

(2) If there is no such dispute or if the respondents do not appear or have no objection to the application being granted, the Tribunal may, after considering the evidence placed before it, pass such decree in relation thereto as it thinks fit.

10. *Claims by creditors against displaced debtors.*—Any displaced person having a claim against a displaced debtor may make an application, in such form as may be prescribed, for the determination thereof to the Tribunal within the local limits of whose jurisdiction the displaced debtor actually and voluntarily resides, or carries on business, or personally works for gain together with a statement of the debts owed to the creditor with full particulars thereof.

11. *Procedure on creditor's petition.*—(1) Where an application under section 10 has been made, the Tribunal shall cause notice thereof to be served on the displaced debtor calling upon him either to show cause, if any, against the application or to make an application on his own behalf under section 5.

(2) If, in response to a notice under sub-section (1), the displaced debtor makes an application in accordance with the provisions of section 5,

the Tribunal shall proceed further in the matter as if it had commenced with an application by the displaced debtor under section 5, and all the other provisions of this Act shall apply accordingly; but, if the displaced debtor does not choose to make any such application, the Tribunal shall, after considering such evidence, if any, as may be produced before it determine the claim and pass such decree in relation thereto as it thinks fit.

(3) The period of limitation specified in sub-section (1) of section 5 in respect of an application by a displaced debtor shall not apply to an application made under sub-section (2).

12. *Objection by creditor to schedule of assets.*—(1) Any creditor of a displaced debtor may make an application to the Tribunal stating that the displaced debtor, who has made an application under section 5 or sub-section (2) of section 11, has concealed any part of his assets, and the Tribunal shall, after giving due notice thereof to the displaced debtor, determine the matter.

(2) If the Tribunal finds that the displaced debtor has wilfully and fraudulently omitted to include such assets in his application, the Tribunal may dismiss the application or refuse to allow to the displaced debtor any of the reliefs under this Act to which he would otherwise have been entitled or pass such other order in relation thereto as it thinks fit.

13. *Claims by displaced creditors against persons who are not displaced debtors.*—At any time within one year after the date on which this Act comes into force in any local area, any displaced creditor claiming a debt from any other person who is not a displaced person may make an application, in such form as may be prescribed, to the Tribunal within the local limits of whose jurisdiction he or the respondent or, if there are more respondents than one, any of such respondents, actually and voluntarily resides, or carries on business or personally works for gain, together with a statement of the debt owing to him with full particulars thereof.

14. *Procedure on displaced creditor's petition.*—(1) Where an application under section 13 has been made to the Tribunal, the Tribunal shall cause notice thereof to be given to the debtor, calling upon him to show cause, if any, against the application.

(2) If there is a dispute as to whether the applicant is a displaced creditor or not or as to the existence of the debt or as to the amount thereof, the Tribunal shall decide the matter, after taking such evidence as may be produced before it, and pass such decree in relation thereto as it thinks fit.

(3) If there is no such dispute or if the debtor does not appear or has no cause to show, the Tribunal may, after considering the evidence placed before it, pass such decree in relation thereto as it thinks fit.

15. *Consequences of application by displaced debtor.*—Where a displaced debtor has made an application to the Tribunal under section 5 or under sub-section (2) of section 11, the following consequences shall ensue, namely:—

(*a*) all proceedings pending at the date of the said application in any civil court in respect of any debt to which the displaced debtor is subject (except proceedings by way of appeal or review or revision against decrees or orders passed against the displaced debtor) shall be stayed, and the records of all such proceedings other than those relating to the appeals, reviews or revisions as aforesaid shall be transferred to the Tribunal and consolidated;

(*b*) all attachments, injunctions, orders appointing receivers or other processes issued by any such court and in force at the date of the said application in respect of any such debt shall cease to have effect and no fresh process shall, except as hereinafter expressly provided, be issued :

Provided that where an order appointing a receiver ceases to have effect under this section, the receiver shall, within fourteen days from the date on which his appointment ceases to have effect or within such further time as the Tribunal may in any case allow, submit to the Tribunal instead of to the court which appointed him his outstanding accounts, and the Tribunal shall, in relation to such accounts, have the same powers with respect to the receiver as the court which appointed him had or could have had ;

(*c*) no fresh suit or other proceeding [other than any such appeal, review or revision as is referred to in clause (*a*)] shall be instituted against a displaced debtor in respect of any debt mentioned by him in the relevant schedule to his application ;

(*d*) any immovable property belonging to the displaced debtor and liable to attachment shall not be transferred except under the authority of the Tribunal and on such terms as it thinks fit, until the application of the displaced debtor has been finally disposed of or any decree passed against him is satisfied in accordance with the provisions of this Act.

16. *Debts secured on immovable property.*—(1) Where a debt incurred by a displaced person is secured by a mortgage, charge or lien on the immovable property belonging to him in West Pakistan, the Tribunal may, for the purpose of any proceeding under this Act, require the creditor to elect to retain the security or to be treated as an unsecured creditor.

(2) If the creditor elects to retain the security, he may apply to the Tribunal, having jurisdiction in this behalf as provided in section 10, for a declaration of the amount due under his debt.

(3) Where in any case, the creditor elects to retain his security, if the displaced debtor receives any compensation in respect of any such property as is referred to in sub-section (1), the creditor shall be entitled—

(*a*) where the compensation is paid in cash, to a first charge thereon :

Provided that the amount of the debt in respect of which he shall be entitled to the first charge shall be that amount as bears to the total debt the same proportion as the compensation paid in respect of the property bears to the value of the verified claim in respect thereof and to that extent the debt shall be deemed to have been reduced ;

(*b*) where the compensation is by way of exchange of property, to a first charge on the property situate in India so received by way of exchange :

Provided that the amount of the debt in respect of which he shall be entitled to the first charge shall be that amount as bears to the total debt the same proportion as the value of the property received by way of exchange bears to the value of the verified claim in respect thereof and to that extent the debt shall be deemed to have been reduced.

(4) Notwithstanding anything contained in this section, where a debt is secured by a mortgage of agricultural lands belonging to a displaced person in West Pakistan and the mortgage was with possession, the mortgagee shall if he has been allotted lands in India in lieu of the lands of which he was

in possession in West Pakistan, be entitled to continue in possession of the lands so allotted until the debt is satisfied from the usufruct of the lands or is redeemed by the debtor:

Provided that in either case the amount of the debt shall be only that amount as bears to the total debt the same proportion as the value of the lands allotted to the creditor in India bears to the value of the lands left behind by him in West Pakistan and to that extent the debt shall be deemed to have been reduced.

(5) Where a creditor elects to be treated as an unsecured creditor, in relation to the debt, the provisions of this Act shall apply accordingly.

17. *Debts secured on movable property.*—(1) Where in respect of a debt incurred by a displaced debtor and secured by the pledge of movable property belonging to him, the creditor had been placed in possession of such property at any time before the debtor became a displaced person, the following rules shall regulate the rights and liabilities of the creditor and the debtor, namely:—

(*a*) the creditor may, if he is still in possession of the pledged property, realise the sum due to him by the sale of such property after giving to the debtor reasonable notice of the sale;

(*b*) the creditor shall not be entitled, in any case where the pledged property is no longer in his possession or is not available for redemption by the debtor, to recover from the debtor the debt or any part thereof for which the pledged property was security;

(*c*) the debtor shall not be liable, in the case of a sale by the creditor of any pledged property, whether under clause (*a*) or otherwise, to pay the balance where the proceeds of such sale are less than the amount of the debt due;

(*d*) the creditor shall, in any case where the proceeds of the sale of the pledged property are greater than the amount of the debt due, pay over the surplus to the debtor.

Explanation I.—For the purposes of this section, the creditor shall be deemed to be in possession of the pledged property in any case in which the pledged property, although not delivered to him was delivered to a person authorised by him or was being held by the debtor on behalf of the creditor, and the ownership or possession thereof could not have been transferred to a third party without the express consent or permission of the creditor.

Explanation II.—Where any motor vehicle or other movable property has been purchased with money the whole or any part of which has been advanced by a creditor who retains the ownership thereof by way of security but allows the debtor to use it with his permission, the property shall for the purposes of this section be deemed to be pledged property of the debtor in the possession of the creditor.

(2) Notwithstanding anything contained in this section, the creditor shall be entitled to receive, and to give a valid discharge in respect of, any sum due under this Act or under any other law for the time being in force from an insurance company in respect of any claim arising out of the loss or destruction of the pledged property, but the creditor shall, in any case where the sum received from the insurance company is greater than the amount of the debt due to him, pay over the surplus to the debtor.

18. *Claims against insurance companies.*—(1) Where any property in West Pakistan belonging to a displaced person was insured with any insurance company before the 15th day of August, 1947, against any risk arising out of fire or theft or riot and civil commotion and there has been

a loss in respect of such property arising out of any such risk at a time when the contract of insurance was in force, such company shall not be entitled to refuse payment of the sum due under any claim in relation thereto on the ground that—

(a) no report was lodged with the police within the agreed time, or

(b) the claim was not made to the company within the agreed time, or

(c) in the case of a policy covering any risk arising out of riot and civil commotion, the disturbances in West Pakistan were not in the nature of a riot or civil commotion, or

(d) the displaced person has not fulfilled any other condition of the contract which in the opinion of the Central Government is of a technical nature and which the Central Government has, by notification in the Official Gazette, specified as a condition of the contract for the purposes of this section,

and any contract to the contrary, to the extent to which it is in contravention of the provisions of this sub-section, shall be deemed to have had no effect.

(2) Where a loss has been incurred in respect of any property in the circumstances specified in sub-section (1), the Tribunal shall, in every proceeding where it is necessary to do so, determine respectively the amount of the loss, the amount for which the property was insured on the date of such loss, and the amount, if any, paid by the insurance company, and shall make a report thereof to such board or other authority as may be prescribed, and the prescribed board or other authority shall, after taking into account such matters as may be prescribed as being relevant thereto, and subject to any rules made in this behalf, in turn propose to the Tribunal the amount for which the claim against the insurance company shall be decreed, and the Tribunal shall pass a decree accordingly.

(3) The amount realised from the insurance company under any decree passed under sub-section (2) shall first be applied towards the satisfaction of the debt due from the displaced person, and the balance, if any, shall be refunded to the displaced person.

(4) An application under this section may be made either by a displaced person having a claim against the insurance company in the circumstances specified in sub-section (1) or by an assignee or any other person having an interest in the claim of any such displaced person, to the Tribunal within the local limits of whose jurisdiction the displaced person actually and voluntarily resides or carries on business or personally works for gain or, in the case of a displaced bank making an application under this section, within whose limits the bank carries on business, for the determination of the amount due in respect of the claim in accordance with the provisions of sub-section (2).

(5) To every proceeding under sub-section (4) the insurance company and all persons interested in the claim shall be made parties:

Provided that the Tribunal may at any stage of the proceeding direct that the name of any person whose presence before the Tribunal may be necessary in order to enable the Tribunal effectually and completely to adjudicate upon and settle all the questions involved, be added to the proceeding.

(6) No application under this section shall be entertained in any case where no claim has been made to the insurance company within one year after the date of the loss.

Explanation.—A claim shall be deemed to have been made within the meaning of this sub-section if intimation thereof has been given to the insurance company within one year after the date of the loss notwithstanding that the intimation does not specify the amount of the claim or is not in the form, if any, required by the contract of insurance or in any other specified form.

19. *Calls on shares in companies.*—(1) Where a company or a co-operative society has made any call upon a displaced person or a displaced bank in respect of any moneys remaining unpaid on any share held by him or it on the 15th day of August, 1947, in the company or co-operative society, as the case may be, and there has been a failure on the part of the shareholder to pay any moneys due in respect of such call, then, notwithstanding anything to the contrary contained in the Companies Act, or in the memorandum or articles of association or the Co-operative Societies Act, no interest shall be payable in respect of any such moneys due and the company or the co-operative society, as the case may be, shall not be entitled to forfeit the share or any part thereof, and any forfeiture made before the commencement of this Act in respect of any share in the circumstances specified in this sub-section shall be deemed to have had no effect, and no person shall be deemed to have ceased to be a member of the company or co-operative society merely by reason of such forfeiture.

(2) Notwithstanding anything contained in the Companies Act, or in the memorandum or articles of association, or the Co-operative Societies Act, it shall be lawful for a displaced person or a displaced bank to apply to the company or the co-operative society, as the case may be, for the conversion of any partly paid-up share held by him or it in the company or society into such smaller number of fully paid-up shares as the society or company may have issued and in respect of which calls have already been made.

(3) Where any share forfeited before the commencement of this Act has been disposed of by the company in accordance with its articles of association and it is not possible for the company to give to the displaced person the relief to which he is entitled under this section without increasing its capital, the capital of the company shall be deemed to have been increased to the extent to which it is necessary to provide that relief.

(4) If the company or the co-operative society refuses to comply with any such request as is contained in an application under sub-section (2) the Tribunal may, on application made to it in this behalf and if satisfied that there is no cause for such refusal, issue a direction to the company or the co-operative society accordingly, and the company or society shall be bound to comply therewith and every such direction shall take effect from the date thereof.

(5) Save as otherwise provided in this section, nothing contained herein shall affect the validity of any action taken by the company or its board of directors in pursuance of the provisions of the Companies Act or of the memorandum or articles of association relating to the company.

(6) The provisions of this section shall have effect for a period of ten years from the 15th day of August, 1947, and thereafter shall cease to have effect except as respects things done or omitted to be done.

20. *No calls to be made on displaced person or bank when company or co-operative society is in liquidation.*—(1) Where a company or a co-operative society is being wound up, no displaced person or displaced bank shall be called upon, notwithstanding anything to the contrary contained in the Companies Act or in the memorandum or articles of association or the Co-operative Societies Act, to make any contribution to the assets of the company

or co-operative society, as the case may be, in respect of any share held by him or it in the company or society on the 15th day of August, 1947.

(2) The provisions of this section shall have effect for a period of ten years from the 15th day of August, 1947, and shall also apply in respect of any calls made and not satisfied before that date, and shall cease to have effect after the expiry of the said period except as respects things done or omitted to be done.

21. *Power to revise certain decrees and settlements.*—(1) Where before the commencement of this Act, a decree has been passed by a civil court against, or a settlement has been entered into by, a displaced debtor in respect of any debt, the Tribunal shall on the application of such debtor revise it so as to bring it into accord with the provisions of this Act.

(2) In determining the amount due under any such decree or settlement, the Tribunal shall accept as binding the findings of the court which passed the decree or the facts contained in the settlement, as the case may be, to the extent to which the findings or the facts are not inconsistent with the provisions of this Act :

Provided that the Tribunal shall not determine any claim under any such decree until any appeal or revision filed against it has been finally decided or the period allowed for any appeal therefrom has expired, and in all such cases the finding of the Tribunal shall be based on the final decree.

(3) Notwithstanding anything contained in this section, no Tribunal shall in respect of any debt revise any settlement arrived at before the commencement of this Act between an insurance company and a displaced person or between an insurance company and a displaced bank having an interest in the claim of a displaced person against the insurance company and arriving at such settlement by virtue of that interest :

Provided that payment in full has been made in pursuance of such settlement.

22. *Apportionment of joint debts.*—Where a debt is due from a displaced person jointly with another person, the Tribunal shall, for the purposes of this Act, apportion the liability between them according to the following rules, namely :—

(*a*) if the liability of each debtor is defined, then according to the defined share of each ;

(*b*) if the debt was taken for any trade or business of the joint debtors, then according to the shares held by each of the joint debtors in the trade or business ;

(*c*) if the debt was not taken in any defined shares or for any trade or business in which the partners have any defined share, the debt shall be apportioned into as many parts as there are joint debtors, and each joint debtor shall be liable only for the part apportioned to him ;

(*d*) if one joint debtor is a displaced person and another is not, the sum apportioned to the non-displaced person shall not be deemed to be a debt within the meaning of this Act and the creditor may in respect of such debt seek any remedy open to him in a civil court or otherwise ;

(*e*) if the debt was taken by a joint Hindu family, the members of the joint Hindu family shall be deemed to be joint debtors within the meaning of this section and the debt shall be apportioned amongst the members thereof in the same proportion in which shares would be allotted to them on partition :

Provided that the share of any member of such a joint family any of whose male lineal ascendants in the male line of ascent is alive and joint with such member shall be deemed to be included in the share of his oldest surviving ascendant in the male line of ascent, and such member shall not be separately regarded as a joint debtor for the purpose of this clause ;

(*f*) if the liability is secured by a mortgage of movable and immovable properties, the debt shall be apportioned between the two properties in the same proportion as the value of each property bears to the total value of the properties ;

Explanation.—For the purposes of this clause, the value of the movable property shall be deemed to be the value thereof immediately before the date on which the debtor became a displaced person, and the value of the immovable property shall be deemed to be the value of the verified claim in respect thereof ;

(*g*) where the relationship between the joint debtors is that of principal and surety, nothing contained in this Act shall prevent the institution of a suit for the recovery of the debt against the surety but no decree shall be passed in such suit for an amount in excesss of the amount decreed or which can be decreed against the principal debtor in accordance with the provisions of this Act :

Provided that the total amount which may be recovered from the principal debtor and the surety shall not exceed the amount decreed or which can be decreed by the Tribunal against the principal debtor in accordance with the provisions of this Act.

23. *Simplified procedure in certain cases.*—In the determination of any individual debt which does not exceed five thousand rupees,—

(*a*) it shall not be necessary for the Tribunal to take down the evidence of the witnesses in writing at length but the Tribunal, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes and such memorandum shall be written and signed by the Tribunal and shall form part of the record ;

(*b*) the decision of the Tribunal need not contain more than the points for determination and the decision thereon.

24. *Presumption respecting registered documents.*—It shall be presumed until the contrary is proved that any document registered under the Indian Registration Act, 1908 (XVI of 1908) or any certified copy thereof and produced before the Tribunal has been proved.

25. *Application of Act V 1908.*—Save as otherwise expressly provided in this Act or in any rules made thereunder, all proceedings under this Act shall be regulated by the provisions contained in the Code of Civil Procedure, 1908 (Act V of 1908).

26. *Signing and verification of applications and written statements.*—Every application and the schedules, if any, attached thereto and every written statement filed before the Tribunal for any relief under this Act shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908 (Act V of 1908), for the signing and verification of pleadings.

27. *Contents of decrees.*—In all cases in which the Tribunal passes a decree on the application of a displaced person, it shall prepare a complete schedule of the creditors and of the assets and liabilities of the displaced person.

28. *Execution of decrees.*—It shall be competent for the civil court which has been specified as the Tribunal for the purposes of this Act to execute any decree or order passed by it as the Tribunal in the same manner as it could have done if it were a decree or order passed by it as a civil court.

CHAPTER III

RELIEFS

29. *Cesser of accrual of interest.*—(1) On and from the 15th day of August, 1947, no interest shall accrue or be deemed to have accrued in respect of any debt owed by a displaced person, and no Tribunal shall allow any future interest in respect of any decree or order passed by it:

Provided that—

(*a*) where the debt is secured by the pledge of shares, stocks, Government securities or securities of a local authority, the Tribunal shall allow, for the period commencing from the 15th day of August, 1947, and ending with the date of commencement of this Act, interest to the creditor at the rate mutually agreed upon or at a rate at which any dividend or interest has been paid or is payable in respect thereof, whichever is less;

(*b*) in any other case the Tribunal may, if it thinks it just and proper to do so after taking into account the paying capacity of the debtor as defined in section 32, allow, for the period mentioned in clause (*a*), interest at a rate not exceeding four per cent, per annum simple.

(2) Nothing in this section shall apply to the interest payable in respect of any monies advanced by a creditor, including an insurance company, on the security of a policy of life insurance of a displaced debtor in order to keep it alive.

30. *Exemption from arrest.*—No displaced person shall be liable to arrest or imprisonment in execution of any decree for the recovery of any debt whether passed before or after the commencement of this Act.

31. *Further reliefs in the matter of attachment of property.*—Section 60 of the Code of Civil Procedure, 1908 (Act V of 1908) shall, in relation to the execution of any decree for a debt against a displaced person (whether passed before or after the commencement of this Act), have effect, as if—

(1) for clause (*c*) of the proviso to sub-section (1), the following clauses had been substituted, namely:—

"(*c*) houses and other buildings (with the materials and the sites thereof and the land immediately appertaining thereto and necessary for their enjoyment) belonging to an agriculturist and not proved by the decree-holder to have been let out on rent or otherwise to any person other than the father, mother, wife, son, daughter, daughter-in-law, brother, sister or other dependant of the judgment-debtor or to have been left vacant for a period of one year or more;

(*cc*) milch animals, whether in milk or in calf, kids, animals used for the purpose of transport or draught cart and open spaces or enclosures belonging to an agriculturist and required for use in case of need for tying cattle, parking carts or stacking fodder or manure;

(ccc) one main residential house and other buildings attached to it (with the materials and the sites thereof and the land immediately appertaining thereto and necessary for their enjoyment) belonging to a judgment-debtor other than an agriculturist and occupied by him ;" ;

(2) in clause (i), for the words "hundred rupees" the words "two hundred and fity rupees" had been substituted ;

(3) after clause (p), the following clauses had been inserted, namely :—

"(q) two-thirds of the agricultural produce of the judgment-debtor :

(r) so much of any other property of the judgment-debtor as constitutes the means of his livelihood and as is likely, in the opinion of the court, to yield to him an income of not less than two hundred and fifty rupees a month ;

(s) any loan advanced or agreed to be advanced by or on behalf of or out of the funds of the Central Government or a State Government, or any asset created from any such loan ;".

Explanation.—Where any such asset as is referred to in clause (s) has been created partly from such loan and partly from the private funds of the judgment-debtor, that portion of the asset which has been created from the private funds shall, if severable from the remaining portion, be liable to attachment or sale.

32. *Scaling down of debts.*—(1) Where, on the application of a displaced debtor under section 5 or sub-section (2) of section 11, the Tribunal has determined the amount due in respect of each debt in accordance with the provisions of this Act, it shall proceed to determine the paying capacity of the debtor.

(2) If the paying capacity of the debtor is equal to or exceeds the aggregate sum of all the debts so determined (exclusive of any debt in respect of which the creditor has elected to retain the security in accordance with the provisions of section 16), the Tribunal shall pass a decree for the aggregate sum so determined, specifying the amount due to each creditor and shall allow repayment thereof in instalments in accordance with the provisions contained in section 33, unless for reasons to be recorded it directs otherwise.

(3) If the paying capacity of the debtor is less than the aggregate sum referred to in sub-section (2), the Tribunal shall divide the decree into two parts and provide in the first part thereof (hereinafter referred to as the first part of the decree) that the sum equivalent to the paying capacity shall, subject to the provisions contained in section 33, be realised from the assets of the debtor in India, and provide in the second part thereof (hereinafter referred to as the second part of the decree) that the balance shall be realised, subject to the provisions contained in sub-section (6), from any compensation which the debtor may receive :

Provided that if no such compensation is received, the balance shall be irrecoverable.

(4) A creditor who has elected to retain his security under section 16 shall have no right to realise any money due to him from the assets of the debtor in India, but nothing in this sub-section shall affect any of the rights given to him by section 16.

(5) A creditor shall have the right at any time at least six months before the receipt by the debtor of compensation to apply that the whole or the balance of the first part of the decree, in so far as any debt due to him is

concerned, may be added to the second part of the decree, and thereupon he shall have no right to realise any money from the assets of the debtor in India.

(6) For the purposes of this Act, the amount payable from the compensation for the satisfaction of the second part of the decree shall be that amount as bears to the aggregate amount of all the debts in the second part of the decree [including therein any sum added to it under sub-section (5) and the sum determined in favour of the secured creditor in the manner specified in the proviso to clause (*a*) of sub-section (3) of section 16] as the compensation in respect of the property of the debtor payable to him under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950) bears to the verified claim; and the balance of the compensation, if any, shall be refunded to the displaced debtor.

(7) Every instalment paid by the displaced debtor in respect of the first part of the decree and any sum payable from the compensation in accordance with sub-section (6) shall be distributed rateably amongst the decree-holders, if more persons than one are entitled thereto:

Provided that the secured creditor who has not elected to be treated as an unsecured creditor under section 16 shall be entitled to a prior charge on the amount payable from the compensation.

(8) Where a displaced person receives compensation by way of exchange of property, then, subject to the prior charge, if any, of a creditor under section 16, the aggregate sum payable in respect of the second part of the decree shall be a second charge upon the property received by way of exchange, but the amount of the second charge shall be that amount as bears to the total sum the same proportion as the value of the property received by way of exchange bears to the value of the original property verified and valued under the Displaced Persons (Claims) Act, 1950 (XLIV of 1950).

(9) Where a displaced person makes a default in the payment of any instalment fixed in respect of the first part of the decree or does not pay the amount determined in accordance with sub-section (4) of section 16 or sub-section (8) of this section for which the first or the second charge may have been created upon the property received by way of exchange, the creditor may apply for the execution of the decree by the attachment and sale of the attachable assets of the judgment-debtor or by the sale of the property obtained by way of exchange upon which the charge has been created, as the case may be, and the amount realised by such execution shall be distributed rateably among the decree-holders:

Provided that nothing contained in this sub-section shall affect the rights of any charge-holders.

(10) For the purposes of this Act, where the compensation is paid in cash, the amount which shall be available for purposes of satisfaction of the debts in the second part of the decree shall in no case exceed seventy-five per cent of the amount of such compensation; and where it is by way of exchange of property, the extent of the property which shall be available for the said purposes shall in no case exceed seventy-five per cent in value of such property.

Explanation.—In this section the expression "paying capacity" means the aggregate of the market value of all the attachable assets in India of the displaced debtor *plus* the income which is likely to accrue to him for the next three years succeeding, excluding from the computation of such income a sum calculated at the rate of two hundred and fifty rupees a month.

33. *Matters to be taken into account in directing payment by instalments.*—(1) In directing payment of any sums by instalments under the first part of the decree, the Tribunal shall take into account among other matters—

(*a*) the present income of the displaced debtor from all sources and the income that is likely to accrue to him in future ;

(*b*) the size of the family dependent upon him for the ordinary necessaries of life and the expenditure likely to be incurred for the education and marriage of the children of the displaced person dependent upon him.

(2) Where a displaced creditor is a minor, or a widow or a person, who, by reason of any physical disability, is permanently disabled from earning his livelihood, the Tribunal may direct that any instalment payable to him or her shall be twenty-five per cent higher than what would otherwise have been directed to be paid, and where it does so, it shall also direct that the instalments of other decree-holders shall be proportionately reduced.

34. *Variation of maintenance allowances.*—Where a displaced debtor has been ordered to pay an allowance periodically to any person for his maintenance under any decree or order of a court, or is liable to pay such allowance under any agreement voluntarily entered into, the rate at which such allowance is payable may be varied by the Tribunal on application made to it in this behalf, if in view of the change in the circumstances of the displaced debtor, the Tribunal thinks that such variation is necessary, and such variation shall have effect for such period as the Tribunal may direct, notwithstanding anything in any decree, order or agreement to the contrary.

35. *Taxation of lawyer's fees.*—In directing payment of costs by any person as costs in respect of fees to any legal practitioner employed in any proceeding before it, the Tribunal shall be guided by any rules for the time being in force regulating the payment of such costs in proceedings of a similar nature before the ordinary civil courts, and shall not award more than one-half of what in its opinion the costs before the civil court would have been.

36. *Extension of period of limitation.*—Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908) or in any special or local law or in any agreement,—

(*a*) any suit or other legal proceeding in respect whereof the period of limitation was extended by section 8 of the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948), and

(*b*) any suit or other legal proceeding for the enforcement of a claim against an insurance company not falling within the provisions of clause (*a*) in respect whereof the cause of action had arisen, whether wholly or in part, in the territories now situate in West Pakistan and the institution of the suit or other legal proceeding has become barred by reason of a condition in the contract, which, but for the condition, would have been governed by the provisions contained in clause (*a*),

may be instituted at any time within one year from the commencement of this Act.

37. *Curtailment of period of limitation for execution of certain decrees.*—Notwithstanding anything contained in section 48 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law for the time being in force, no order for the execution of a decree in respect of a debt against a displaced person shall be made upon an application presented after the expiration of—

(*a*) in the case of decrees passed before the commencement of this Act, six years from such commencement ;

(*b*) in the case of decrees passed after the commencement of this Act, six years from the date of the decrees ;

(*c*) in the case of decrees directing payment of money to be made at prescribed intervals or on certain dates, six years from the date of default in making the payment in respect of which the decree-holder seeks to have the decree executed :

Provided that nothing in this section shall be construed as extending the limit of time for execution as provided in section 48 of the said Code for an application for the execution of a decree passed before the commencement of this Act.

38. *Sale of immovable property in execution.*—(1) Where in the execution of any decree for the recovery of a debt against a displaced person his immovable property is sought to be sold, the court executing the decree shall, in the first instance, determine the market value of the property and, if the value so determined is less than or equal to the amount of the decree together with the proportionate amount of any prior encumbrance, the court shall transfer the property to the decree-holder.

(2) If the value determined under sub-section (1) is greater than the amount of the decree together with the proportionate amount of any prior encumbrance, the court shall determine the portion of such property the value of which is equal to the amount of the decree with the proportionate amount of such prior encumbrance, and may, if it is reasonable or convenient to do so, transfer that portion to the decree-holder.

(3) Where any property is transferred under the provisions of this section to the decree-holder, the decree shall be deemed to be satisfied to the extent of the value of the property so transferred :

Provided that if the decree-holder does not desire to take the property or, in the opinion of the court, it is not reasonable or convenient to transfer the property to him, the property may be sold by public auction, but irrespective of the price fetched at the public auction the market value of the property as determined under this section (and not the amount payable to the decree-holder out of the sale proceeds of the public auction) shall be deemed to be the amount which has been paid to the decree-holder in respect of the decree, and satisfaction thereof shall be entered accordingly.

39. *Encouragement of settlements.*—If the displaced debtor and the creditor or, where there are more creditors than one, such number thereof as hold more than two-thirds in value of the debts due from the displaced debtor enter into an agreement for the adjustment of the liabilities, the Tribunal shall, if an application is made to it in this behalf, after giving due notice to the other creditors affected, adjust the remaining debts accordingly if the terms of the agreement are just and fair, and pass a decree accordingly.

CHAPTER IV

APPEALS

40. *General provisions relating to appeals.*—Save as otherwise provided in section 41, an appeal shall lie from—

(*a*) any final decree or order of the Tribunal, or

(*b*) any order made in the course of execution of any decree or order of the Tribunal, which if passed in the course of execution of a decree or order of a civil court would be appealable under the Code of Civil Procedure, 1908 (Act V of 1908),

to the High Court within the limits of whose jurisdiction the Tribunal is situate.

41. *Restrictions on right of appeal in certain cases.*—Notwithstanding anything contained in section 40, where the subject-matter of the appeal relates to the amount of a debt and such amount on appeal is less than rupees five thousand, no appeal shall lie.

42. *Parties to appeals.*—For the purpose of any appeal under this Act, it shall be sufficient if only such persons as, in the opinion of the appellant, are necessary parties to the appeal for the purpose of determining the real questions in controversy between them, are impleaded as respondents to the appeal :

Provided that where it appears to the High Court at the hearing that any person who was a party to the proceeding before the Tribunal from whose decree the appeal is preferred but who has not been made a party to the appeal is interested in the result of the appeal, the Court may adjourn the hearing to a future date to be fixed by the Court and direct that such person be made a respondent.

CHAPTER V

MISCELLANEOUS

43. *Registration of certain societies and companies under Indian law.*—(1) Where the registered office of any society or company registered before the 15th day of August, 1947, under the Societies Registration Act, 1860 (XXI of 1860), or the Co-operative Societies Act, 1912 (II of 1912), or under any other law then in force in any Province for the registration of co-operative societies or the Indian Companies Act, 1913 (VII of 1913), is situated in the territory now forming part of West Pakistan but a majority of its members for the time being are resident in India, or, in the case of a company, more than thirty-three and one-third per cent of its shares in value are being held by persons resident in India, the society, or company, as the case may be, may apply within one year from the commencement of this Act to the Registrar of Societies, Co-operative Societies or Companies, as the case may be, within the local limits of whose jurisdiction the majority of the members of the governing body reside or carry on business, for the recognition of the society or company as such in India.

(2) The Registrar, after making such inquiry into the matter as he deems fit, may either accord such recognition or refuse to do so.

(3) An appeal shall lie from the order of the Registrar under sub-section (2) to the State Government and no order passed by the Registrar or by the State Government on appeal shall be called in question in any court.

(4) Where the Registrar accords recognition to a society, co-operative society or company, he shall cause necessary entries thereof to be made in his register and thereupon, notwithstanding anything to the contrary contained in any law for the time being in force or in any instrument, the society or the company, as the case may be, shall be deemed to have been formed and registered under the relevant law as in force in India, and every such society or company shall, among other matters, have the right to demand and receive any moneys due to it from any person residing or carrying on business in India.

44. *Bar of further applications in certain cases.*—Subject to the other provisions contained in this Act, where an application made by a displaced debtor under section 5 or under sub-section (2) of section 11, or by a displaced

creditor under section 13 has been dismissed, no further application for the same purpose shall lie.

45. *Amendment of applications.*—Clerical or arithmetical mistakes in any application or in any schedule annexed thereto arising from any accidental slip or omission may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties.

46. *Service of notices.*—Every notice issued under this Act shall be served by registered post, acknowledgment due, unless the Tribunal for reasons to be recorded, directs service in any of the other modes specified in Order V of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908).

47. *Effect of failure on the part of displaced debtor to disclose certain matters.*—Where a displaced debtor has not mentioned in the relevant schedule to his application any debt owing by him or any property, movable or immovable, belonging to him, whether such property is liable to attachment or not liable to attachment at all, nothing contained in this Act shall prevent—

(*a*) in the case of the debt, the creditor from instituting any proceeding for the recovery thereof under any law for the time being in force other than this Act; and

(*b*) in the case of the property, from being attached or otherwise dealt with under any such law.

48. *Proceedings not to abate on death of debtor.*—Notwithstanding anything contained in this Act, no proceeding before a Tribunal shall be deemed to abate by reason merely of the death of the debtor who is a party to the proceeding, and a decree may be passed notwithstanding the death and such decree shall have the same force and effect as if it had been passed before the death took place:

Provided that the Tribunal on an application made in that behalf, shall cause the legal representative of the deceased debtor to be made a party to the proceeding, and any person so made a party may make any defence appropriate to his character as legal representative of the deceased debtor:

Provided further that nothing contained herein shall be deemed to render the legal representative of the deceased debtor liable to satisfy the decree except to the extent to which any of the assets of the deceased debtor have devolved on him.

49. *Past transactions not to be affected.*—(1) If before the commencement of this Act a displaced debtor has satisfied or discharged any of his liabilities in any manner whatsoever, such transactions shall not be affected by anything contained in this Act.

(2) Where the Tribunal has determined the amount due in respect of any debt in accordance with the provisions of this Act, any payments (including payments by way of interest) made by the displaced debtor towards the debt prior to such determination shall be adjusted towards the amount so determined:

Provided that no creditor shall be called upon to refund any amount paid to him if it is found that it is in excess of the amount determined as being due to him under this Act.

50. *Displaced debtor not to be deemed insolvent.*—Notwithstanding anything contained in any law for the time being in force relating to insolvency, no displaced debtor shall be deemed to be insolvent or to

have been adjudicated as such within the meaning of any law for the time being in force relating to insolvency by reason only of his applying to get his debts adjusted under this Act, and no petition in insolvency shall lie against a displaced debtor in respect of any debt incurred by him before the 15th day of August, 1947.

51. *Compromises or arrangements between banks and their debtors not to be reopened in certain cases.*—Notwithstanding anything contained in this Act, no compromise or arrangement arrived at, whether before or after the commencement of this Act, between a displaced debtor and a bank relating to the repayment, discharge or satisfaction of any debt owing by the displaced debtor to the bank shall be reopened by the Tribunal, and nothing contained in this Act shall affect any such compromise or arrangement:

Provided that there is in force in respect of the bank a compromise or arrangement between it and its own creditors or any class of such creditors which has been duly sanctioned by the court under section 153 of the Indian Companies Act, 1913 (VII of 1913): and

Provided further that the particulars specified in clauses (*c*), (*cc*), (*ccc*), (*i*), (*q*), (*r*), and (*s*) of the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908 (Act V of 1908), as amended by section 31 of this Act, shall not be liable to attachment or sale in any proceeding against the displaced debtor.

52. *Communication of contents of decrees to prescribed authority.*—(1) Every Tribunal shall communicate to the prescribed authority, in such manner as may be prescribed, the amount of the prior charge declared under sub-section (3) of section 16, and shall also forward to it a copy of the decree passed on the application of a displaced debtor under section 5 or sub-section (2) of section 11 and also of any order passed under sub-section (5) of section 32, specifying the amount due to the creditor mentioned therein on the date of the order.

(2) The prescribed authority shall scale down the debts reported to him in accordance with sub-section (6) of section 32 and shall, subject to any rules made in this behalf, meet the prior charge of the secured creditor in accordance with sub-section (2) of section 16 in the first instance and thereafter distribute the balance of the compensation available for distribution within the meaning of sub-section (10) of section 32 rateably amongst the other decree-holders whose decrees have been reported to him:

Provided that in making any such rateable distribution the prescribed authority shall have due regard to the provisions contained in sub-section (2) of section 33.

(3) The balance from the amount of the compensation payable shall be refunded to the displaced debtor.

(4) Any amount paid by the prescribed authority to any decree-holder under the provisions of this section shall, to that extent, be a valid discharge of the debt due by the displaced debtor.

53. *Application of the Limitation Act.*—Subject to the other provisions contained in this Act, the Indian Limitation Act, 1908 (IX of 1908) shall apply to the institution of any proceeding under this Act, and, for the purpose of determining and computing the period of limitation prescribed by that Act in relation thereto, every application made under this Act shall be deemed to be a suit for the purpose of that Act.

54. *Order XXXVIII of the First Schedule to Code of Civil Procedure not to apply.*—Nothing contained in Order XXXVIII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), relating to arrest and attachment before judgment, shall apply to any proceeding under this Act.

55. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government or any person, in respect of anything done or intended to be done by it or him in good faith in pursuance of this Act or of any rule or order made thereunder.

56. *Delegation of powers.*—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised by such officer or authority subordinate to the Central Government or by the State Government or by any officer or authority subordinate to the State Government as may be specified in the direction.

57. *Power of Central Government to make rules.*—(1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the provisions contained in sub-section (1), the rules so made may provide for all or any of the following matters, namely :—

(*a*) the additional particulars, if any, which an application under section 5, should contain ;

(*b*) the form in which notices under this Act may be issued ;

(*c*) the form in which applications under section 10 or section 13 may be made ;

(*d*) the registers which should be maintained under this Act ;

(*e*) the authorities required to be prescribed under this Act ;

(*f*) the board or other authority to which any report under sub-section (2) of section 18 may be made and the matters which such board or other authority should take into account in making its report.

58. *Power of State Government to make rules.*—The State Government may, by notification in the Official Gazette, make rules providing for—

(*a*) the distribution of business amongst the various Tribunals within the State ;

(*b*) the manner in which copies of documents produced before the Tribunals should be certified ;

(*c*) the returns to be made by the Tribunals and the authorities to which they may be so made.

59. *Repeals.*—Save as otherwise provided in section 36, the Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948) and the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949) shall cease to apply to displaced persons as defined in this Act.

K. V. K. SUNDARAM,

Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV.

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. S.R. 6215—Regis., dated Bangalore, 12th December 1951.

In exercise of the powers conferred by Section 78 of the Indian Registration Act, 1908 (Central Act XVI of 1908) and in supersession of Notification No. S.R. 8058—Regis. 27-50-2, dated 31st March 1951, His Highness the Maharaja of Mysore is pleased to direct that the table of Registration Fees be revised, as in the Schedule appended, with effect from 1st January 1952.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

SCHEDULE

Table of Registration Fees under section 78 *of the Indian Registration Act,* 1908.

The registration fees payable to the several offices of registration in Mysore shall be as follows :—

I. (*a*) For registration of documents in Books 1 and 4—

	Rs.	a.	p.
(1) When the value does not exceed Rs. 10.	0	5	0
(2) When the value exceeds Rs. 10 but does not exceed Rs. 25	0	7	0
(3) When the value exceeds Rs. 25 but does not exceed Rs. 50	0	9	0
(4) When the value exceeds Rs. 50 but does not exceed Rs. 75	0	14	0
(5) When the value exceeds Rs. 75 but does not exceed Rs. 100	1	2	0
(6) When the value exceeds Rs. 100 but does not exceed Rs. 150	1	11	0
(7) When the value exceeds Rs. 150 but does not exceed Rs. 200	2	4	0
(8) When the value exceeds Rs. 200 but does not exceed Rs. 250	2	13	0
(9) When the value exceeds Rs. 250 but does not exceed Rs. 300	3	6	0
(10) When the value exceeds Rs. 300 but does not exceed Rs. 500	3	15	0
(11) When the value exceeds Rs. 500 but does not exceed Rs. 750	4	8	0
(12) When the value exceeds Rs. 750 but does not exceed Rs. 1,000	5	10	0
(13) When the value exceeds Rs. 1,000 but does not exceed Rs. 2,500—For the first thousand as under sub-clause (12) and for every 500 or part thereof in excess of Rs. 1,000....	1	2	0
(14) When the value exceeds Rs. 2,500 but does not exceed Rs. 5,000—For the first 2,500 as under sub-clause (13) and for every 500 or part thereof in excess of Rs. 2,500.	1	11	0

(15) When the value exceeds Rs. 5,000— but does not exceed Rs. 25,000— For the first 5,000 as under sub-clause (14) and for every 1,000 or part thereof in excess of Rs. 5,000.	2	4	0
(16) When the value exceeds Rs. 25,000 but does not exceed Rs. 50,000— For the first 25,000 as under sub-clause (15), and for every 1,000 or part thereof in excess of Rs. 25,000.	2	13	0
(17) When the value exceeds Rs. 50,000— For the first 50,000 as under sub-clause (16), and for every 1,000 or part thereof in excess of Rs. 50,000.	3	6	0

(*b*) The consideration expressed in a document is generally taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document is taken.

(*c*) The provisions of sections 5, 6, 20, 21, 23 and 25 of the Mysore Stamp Act, 1900 (II of 1900) shall apply *mutatis mutandis* to calculations of value for the purpose of determining the registration fee.

(*d*) In the case of leases the value is taken—

(1) at the total rent for the whole term when the lease is for periods not exceeding one year;

(2) at the average annual rent when the lease is for periods exceeding one year;

(3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual.

In all cases where a fine or premium is paid or is made payable or money is advanced, that amount is also added to the value. When a lessee undertakes to pay assessment, quit-rent, etc., in addition to the rent, the said payment also is added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value is taken to be the highest amount which the stamp borne by the document shall suffice to cover; but if the lease bears no stamp or is exempt from stamp duty, the money value of the produce is calculated at the current market rates.

Where in agricultural leases for one year or less the rent is not fixed either in kind or in cash and the lease deed is unstamped, its value for purposes of registration is taken to be five times the assessment on the land the rent of which is secured by the instrument, when the survey assessment is specified in the lease.

(*e*) In the case of deeds of partition, the value of the separated share or shares on which the stamp duty is payable is taken as the value or consideration.

(*f*) In the case of all other documents in which neither the consideration for the transaction nor the value of the property affected is expressed, or in which it is only partially expressed the value shall be the maximum amount which the stamp borne by the document is sufficient to cover, if the document is one which is liable to stamp duty at *ad valorem* rates. If the value cannot be determined from the stamp, as, for instance when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of the transaction, or when the transaction is not susceptible of money valuation, the fee leviable shall be Rs. 6-12-0, provided that in cases where value of only a portion of the property or consideration is given and that value exceeds Rs. 1,500 the fee shall be levied on the value so expressed.

Note.—In the case of documents evidencing petty transactione incapable of valuation the Inspector-General of Registration may, if hs considers that the levy of a fee of Rs. 6-12-0 would be productive of hardship, authorise Registering Officers to levy a lower fee, which shall not in any case be less than five annas.

(*g*) For registration of a document purporting to give collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principal or primary mortgage is duly registered :—

Same fee as for the principal or primary mortgage.

(*h*) For document acknowledging receipt or payment of consideration on account of any previously registered document or for any receipt acknowledging payment of a debt or rent due under a previously registered document :—

Ad valorem fee as per Article I(a), subject to a maximum of Rs. 2-4-0.

(*i*) For a duplicate or counterpart of a document if registered at the same time as the original, Re. 0-5-0 per 100 words or par tthereof, provided that if the fee to be recovered at the rate of Re. 0-5-0 per 100 words is higher than the ordinary fee for registration, the ordinary fee shall be charged.

(*j*) Certified copies of decrees, orders of courts and awards—

Ad valorem fee as per Article I (*a*).

(*k*) For Registration of an Adoption deed :—

(Whether or not the deed refers to immovable property to which the adoptee becomes entitled). } Rs. 11-4-0.

II. For registration of Wills and Authorities to adopt—

(*a*) Opening a sealed cover and entering the contents in Book 3.

Rs. 2-4-0 *plus* copying fee at the prescribed rate.

(*b*) Will or Authority to adopt presented open :— Rs. 11-4-0 : Provided that in the case of Wills in which the value of the property dealt with is mentioned and that value does not exceed Rs. 3,000 the registration fee shall be as per *ad valorem* scale in Article I (*a*).

III. Sealed Covers (Book 5.)—

(*a*) For deposit and entry in Book 5 of a sealed cover purporting to contain a Will .... Rs. 3 6 0

(*b*) Withdrawal of any such cover .... Rs. 3 6 0

IV. The registration fee for a deed of cancellation or revocation shall be that liable on the original document cancelled or revoked, subject to a maximum of Rs. 5-10-0.

V. Registration by a Registrar in cases other than those in which a document is registered by a District Registrar in consequence of the Sub-Registrar being a party interested in the transaction to which such a document relates—

Extra fee of Rs. 5 when registered under section 30 (1) by any District Registrar and Rs. 10 when registered

by any District Registrar under section 30 (2): Provided that no extra fee shall be levied when the English document is registered by a Registrar solely in consequence of the language in which it is written being unknown to the Sub-Registrar by whom it is properly registrable: Provided also that no extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which extra fee has been paid as above, and such counterpart or duplicate is presented for registration on the same day as the original document, when the original is also registered.

VI. (*a*) (1) Memorandum under sections 64, 65, 66 and 67 .... Rs. 1 2 0

(2) For each additional copy required for 100 words or part thereof .... Re. 0 5 0

(*b*) When a copy of instrument has to be sent to the Registrar of another district such copy should be charged for at the rate of Re. 0-5-0 per 100 words and additional fee of one rupee and two annas for each memorandum issuable under Section 66, must be levied and remitted to the Registrar.

VII. (*a*) (i) Search for or inspection of a single entry or document—

For the first year in the books of which search is made for each entry or document .... Rs. 1 2 0

For every other year in the books of which search is continued for each entry or document .... Re. 0 5 0

(ii) General search for an inspection of any number of entries or documents relating to one and the same property or executed by or in favour of one and the same individual.—

For the first year in the books of which search is made .... Rs. 2 4 0

For every other year in the books of which search is continued .... Re. 0 9 0

Note.—(1) The rates mentioned above are subject to a maximum of Rs. 5-10-0 and Rs. 11-4-0 in the cases of single and general searches, respectively.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will

be treated as fresh application and the higher fees of Rs. 1-2-0 or Rs. 2-4-0 respectively, will be charged for the first year in the books of which the search is desired to be continued.

(3) Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly, provided that no fee for search shall be charged in respect of a document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration are specified in the application for the copy.

(4) The Inspector-General of Registration may, in his discretion, remit in part the fee leviable under this article when it appears to him that the levy of the full fee would result in hardship.

VIII. (1) (*a*) Granting certified copies or extracts from registers, indexes or any documents (Sections 57 and 76) per 100 words or portion of 100 words.—

Re. 0-4-0 whether in English or Kannada.

(*b*) Granting of copy of map or plan.—

Re. 0-9-0, provided that the arrangements for and the cost of making such copies are made and borne by the person who applies for it.

(*c*) Granting copies of documents other than those mentioned above :—

At the rates prescribed in the rules issued by the High Court of Mysore for the grant of copies in Civil Courts.

Note.—(1) Every figure, initial or abbreviation shall count as a word for the purpose of calculating the number of words.

(2) Officers of the Government of India or of any State Government who may require to search the registers or to take copies of entries for *bona fide* public purposes shall be permitted to do so without payment of any fee.

(3) Copies of documents in languages other than in English or Kannada shall be charged at one anna per 100 words instead of 3 annas, if a clerk knowing that language is employed in the Registration Office granting the copy. Also when a copy is printed at the expense of applicant or when the applicant presents a printed copy of a document already registered and applies for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for at the ordinary rates of copying, and, in addition, a fixed fee of two annas shall be levied for comparing and certifying each copy.

(4) No charges shall be made for granting copies of reasons for refusal given by a Sub-Registrar.

IX. Powers of Attorney.—

	Rs.	a.	p.
(1) Registering a Power of Attorney	5	10	0
(2) Attesting a Special Power of Attorney	1	2	0
(3) Attesting a General Power of Attorney	2	4	0

Note.—(1) A single fee shall be levied for the attestation of a Power-of-Attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination or execution. Where they do not so appear, a separate fee shall be levied for each set of persons appearing at the same time.

(2) The duplicate or the triplicate of a Power-of-Attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied for it.

X. For filing translation .... Extra fee Rs. 1-2-0.

Note.—Filing copies of the orders, certificates and instruments referred to in Section 89 ... ... No Fee.

XI. (1) Issue of commission or attendance at a private residence or Jail.

(*a*) For registration of one or more documents executed by one and the same individual, or (*b*) For the acceptance of registration of one or more documents executed in favour of one and the same individual or for the acceptance for deposit of a Will executed by an individual, or (*c*) For the attestation of one or more Power-of-Attorney executed by one and the same individual. (*d*) For the examination of one and the same individual under Section 33 or 38.	Rs. 11 4 0. Besides ordinary fee and travelling allowance.

(2) For the services of a woman if required, extra fee as remuneration to her Rs. 5-10-0.

Note.—(1) Where two or more persons who are parties to the same document and who are entitled to exemption from attending the Registration Office reside together, or when two or more persons

who are parties to the same document are confined in a Jail, only one attendance or commission fee shall be charged so far as those persons are concerned. In that event each such person shall be entitled to present for registration or attestation at such attendance any number of documents or Powers-of-Attorney or to admit execution of any number of documents presented for registration or to deposit a Will, without payment of any further attendance fee.

(2) When in the course of attendance at a private residence a registering officer is required to record in respect of the same instrument the admission of persons not entitled to the concession, the request, may, if possible, be complied with, without the levy of any additional fee.

XII. For proceeding to and returning from a private residence or Jail, travelling allowance shall be allowed, at eight annas per mile to a Registrar and at 4 annas per mile to a Sub-Registrar or other persons deputed to make an examination.

XIII. For the safe custody and return of documents,—

For each month or part of a month, during which a registered document is left unclaimed in a registration office, after the expiration of one month from the date of registry (to be paid before delivery of the document), five annas per month for documents of values up to Rs. 100 and nine annas per month for documents of values exceeding Rs. 100 or for documents in which no value is specified, subject to a maximum of Rs. 5-10-0 in any one case.

XIV. (1) On all documents registered, if containing more than 300 words, an additional fee at the rate of five annas per 100 words or fraction of 100 words is charged for the number above 300.

(2) If a document tendered for registration has one or more schedules appended to it, they are charged for at the above rate according to the aggregate number of words contained in them.

(3) Special rates of fees for the registration of documents executed by or in favour of Agricultural Banks.—

	Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100 including schedules ...	0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0

	Rs.	a.	p.
(c) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Searches	Nil		
(f) Certified copies for every 100 words or part thereof	0	2	0
(g) Attesting Power-of-Attorney	0	5	0
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

(4) Fees for registration, etc., of documents executed by or on behalf of any Co-operative Society for the time being registered under the Mysore Co-operative Societies Act or by an officer or member of such a society and relating to the business thereof half the fee.

(5) Fees for registration, etc., of documents executed by applicants and sureties in connection with loans obtained and arrangements entered into for the supply of machinery, etc., under the rules for the time being in force made by the State Government published with Government Notification No. G. 2146—G.M. 55-12-240, dated 2nd September 1913.—

	Rs.	a.	p.
(a) When the value does not exceed Rs. 100 including schedule	0	9	0
(b) Exceeding Rs. 100 but not exceeding Rs. 1,000	1	2	0
(c) Exceeding Rs. 1,000 but not exceeding Rs. 5,000	2	4	0
(d) In all other cases	4	8	0
(e) Searches	Nil		
(f) Certified copies for every 100 words or part thereof	0	2	0
(g) Attesting Power-of-Attorney	0	5	0
(h) Private attendance	2	4	0
(i) Issue of commission	2	4	0
(j) Mileage to Registering Officers or others per mile	0	2	0

(6) For Registration, etc., of instruments executed by or on behalf of or in favour of His Highness Sri Jaya Chamarajendra Wadiyar Bahadur, Maharaja of Mysore. .... Nil

(7) Special rates for documents executed by applicants for loans to build and make other improvements for houses in the Mysore City and on those executed by their sureties.—

		Rs.	a.	p.
(*a*) When the value does not exceed Rs. 100		0	9	0
(*b*) Exceeding Rs. 100 but not exceeding Rs. 1,000	....	1	2	0
(*c*) Searches	....	Nil		
(*d*) Certified copies for every 100 words or part thereof	....	0	2	0
(*e*) Attesting Power-of-Attorney	....	0	5	0
(*f*) Private attendance	....	2	4	0
(*g*) Issue of commission	....	2	4	0
(*h*) Mileage to Registering Officers or others per mile	....	0	2	0

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 9882—Ml. 97-51-8, dated Bangalore, 14th December 1951.

In exercise of the powers conferred by Section 8 of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), the collection to be realised during the visit of the Commonwealth Cricket Team to the Mysore State is exempted from liability to the Entertainments Tax.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,
Local Self-Government Department.

No. L.S. 3530—L.W. 103-51-5, dated Bangalore, 10th December 1951.

In exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946, (Central Act XX of 1946), His Highness the Maharaja of Mysore is pleased to make the following Rules, the same having been published as required by sub-section (1) of the said section.

The Mysore Industrial Employment (Standing Orders) Rules, 1951.

1. (1) These Rules may be called the Mysore Industrial Employment (Standing Orders) Rules, 1951.

(2) They extend to the whole of the State of Mysore.

2. In these Rules, unless there is anything repugnant in the subject or context :—

(*a*) "Act" means the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946).

(*b*) "Form" means a form set out in Schedule II appended to these Rules.

3. (1) The Model Standing Orders for the purpose of the Act shall be those set out in Schedule I appended to these Rules.

(2) Five copies of the draft Standing Orders which an employer proposes to adopt for his industrial establishment shall be forwarded by him by registered post to the Commissioner of Labour in Mysore, Bangalore.

(3) In cases where a group of employers in similar industrial establishments propose to submit a joint draft of Standing Orders under sub-section (4) of Section 3, they shall notify the Commissioner of Labour in Mysore, Bangalore, accordingly and submit a joint draft of Standing Orders signed by all of them and forward the same to him by registered post.

4. An application for certification of Standing Orders shall be made in Form I.

5. The prescribed particulars of workmen, for the purposes of sub-section (3) of Section 3 of the Act shall be :—

(1) Total number employed ;
(2) Number of permanent workmen ;
(3) Number of temporary workmen ;
(4) Number of badlis or substitutes ;
(5) Number of probationers ;
(6) Number of apprentices ;
(7) Name of the Trade Union or Trade Unions, if any, to which the workmen belong ;
(8) Remarks.

6. As soon as may be after he receives an application under Rule 4 in respect of an industrial establishment the certifying officer shall :—

(*a*) where there is a trade union of the workmen, forward a copy of the draft Standing Orders to the Trade Union together with a notice in Form II.

(*b*) where there is no such Trade Union, call for a meeting of the workmen to elect three representatives to whom he shall, upon their election, forward a copy of the draft Standing Orders together with a notice in Form II.

(*c*) where a group of employers in similar establishments propose to submit a joint draft of Standing Orders under sub-section (4) of Section 3, and where it is found

to be impraticable to call for a meeting of the workmen to elect three representatives, the employer must display a copy of the draft Standing Orders on a Public Notice Board on the Establishment, in the language or languages commonly used amongst the workmen concerned, calling for objections, if any, from the workmen concerned, within 14 days from the posting of the notice.

(*d*) In such instances, where procedure under clause (*c*) is adopted, the employer must display the certified Standing Orders on a Public Notice Board on the Establishment in the language or languages commonly used among workmen, within seven days of certification.

7. Standing Orders certified in pursuance of sub-section (3) of Section 5 or sub-section (2) of Section 6 of the Act shall be authenticated by the signature and seal of office of the certifying or appellate authority, as the case may be, and shall be forwarded by such officer or authority within a week of authentication by registered letter post to the employer and to the Trade Union or the representatives of the workmen elected in pursuance of Rule 6, as the case may be.

8. The Register required to be maintained by Section 8 of the Act shall be in Form III and shall be properly bound and the certifying officer shall furnish a copy of Standing Orders approved for an industrial establishment to any person applying therefor on payment of a fee of rupee one a copy.

SCHEDULE I.

Model Standing Orders.

1. These orders shall come into force on.....

2. *Classification of workmen* :—

(*a*) Workmen shall be classified as :—

(1) Permanent ;
(2) Probationers ;
(3) Badlis ;
(4) Temporary ;
(5) Casual ; and
(6) Apprentices.

(*b*) A "permanent workman" is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock-out, strike, (not being an illegal strike) or involuntary closure of the establishment.

(c) A "Probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationery period of three months, be reverted to his old permanent post.

(d) A "badli" is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.

(e) A "temporary workman" is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.

(f) A "casual workman" is a workman whose employment is of a casual nature.

(g) An "apprentice" is a learner who is paid an allowance during the period of his training.

3. *Tickets.*—(1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary worker or apprentice.

(2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorised by the manager to inspect it.

(3) Every "Badli" shall be provided with a "badli card", on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary workman shall be provided with a "temporary ticket" which he shall surrender on his discharge.

(5) Every casual worker shall be provided with a "casual card", on which shall be entered the days on which he has worked in the establishment.

(6) Every apprentice shall be provided with an "apprentice card", which shall be surrendered if he obtains permanent emoloyment.

4. *Publication of working time.*—The periods and hours of work for all classes of workers in each shift shall be exhibited in English and Kannada on Notice Boards maintained at or near the main entrance of the establishment or at the time-keeper's office, if any.

5. *Publication of holidays and pay days.*—Notices specifying:—

(a) the days observed by the establishment as holidays, and

(b) pay days shall be posted on the Notice Boards referred to in paragraph 4.

6. *Publication of Wage rates.*—Notices specifying the rates of wages payable to all classes of workmen and for all classes of work shall be displayed on the Notice Boards referred to in paragraph 4.

7. *Shift Working.*—More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without one month's notice being given prior to such discontinuance provided that no such notice shall be necessary, if, as a result of the discontinuance of the shift no permanent employee will be discharged. If as a

result of discontinuance of shift working any permanent workmen are to be discharged they shall be disharged, having regard to the length of their service in the establishment, those with the shortest term of service be ng discharged first. If shift working is re-started, a week's notice thereof shall be given by posting a notice at the main entrance of the establishment and the time-keeper's office, if any, and the workmen discharged as a result of the discontinuance of the shift, shall, if they p esent themselves at the time of the re-starting of the shift, have preference in being re-employed having regard to the length of their previous service under the establishment those with the longest term of service being re-employed first.

8. *Attendance and late coming.*—All workmen shall be at work at the establishment at the times and notified under paragraph 4. Workmen attending late will be liable to deductions provided for in the Payment of Wages Act, 1936.

9. *Leave.*—(1) Holidays with pay will be allowed as provided for in Chapter VIII of the Factories Act, 1948, and other holidays in accordance with law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the manager or any other person authorised by him, who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pa s shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons thereof shall be recorded in writing in a register to be maintained for the purpose and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the manager, (or other person authorized by him), who shall send a written reply either granting or refusing extension of leave to the workman if his address is available and if such reply is likely to reach him before the expiry of the original leave granted to him.

(3) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment, unless he—

(*a*) returns within eight days of the expiry of the leave, and

(*b*) explains to the satisfaction of the manager his inability to return before the expiry of the leave.

10. *Casual leave.*—A workman may be granted casual leave of absence with or without pay not exceeding ten days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in the cases of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the Department in the establishment shall be obtained before such leave is taken but when this is not possible, the head of the department shall as soon as may be practicable, be informed in writing of the absence and of the probable duration of such absence.

11. *Payment of Wages.*—(1) Any wages due to the workman but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay-day in each week, which shall be notified on the Notice Boards as referred to in paragraph 4.

(2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wages are payable, according to the total number of workmen employed in the establishment does not or does exceed one thousand.

12. *Stoppage of work.*—(1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other causes beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice board in the department concerned, or at the office of the manager, as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workman so detained, shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained, shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. No other compensation will be admissible in case of such stoppages. Wherever practicable, reasonable notice shall be given of resumption of normal work.

(3) In cases where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of unemployment, shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down either wholly or partially such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work as to when work will be resumed.

13. (1) *Termination of employment.*—For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workman—one month's notice in the case of monthly-rated workmen and two weeks' notice in the case of other workmen; one month's or two weeks' pay, as the case may be, may be paid in lieu of notice.

(2) No temporary workmen whether monthly-rated, weekly-rated or piece-rated and no probationer or badli shall be entitled to any notice or pay in lieu thereof if his services are terminated, but the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in paragraph 14.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the third working day from the date on which his employment is terminated.

14. *Disciplinary action for misconduct.*—(1) A workman may be fined up to two per cent of his wages in a month for any of the following acts and omissions, namely :—

(*a*) Collection of any money within the work's premises for purposes not sanctioned by the Management.

(*b*) Handling any machine or apparatus not entrusted to his charge.

(*c*) Habitual indebtedness involving court attachments and insolvency.

(*d*) Falsifying or refusing to give testimony when accidents or other matters are being investigated.

(*e*) False statements made in his application for an appointment and when physical fitness examination record is being made.

(*f*) Sleeping while on duty.

NOTE.—Specify the acts and omissions which the employer may notify with the previous approval of the State Government or of the prescribed authority in pursuance of section 8 of the Payment of Wages Act, 1936.

(2) A workman may be suspended for a period not exceeding four days at a time or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct :—

(*a*) Wilful insubordination or disobedience, whether alone or in combination with others to any lawful and reasonable order of his superior,

(*b*) Theft fraud, or dishonesty in connection with the employer's business or property,

(*c*) Wilful damage to or loss of employer's goods or property,

(*d*) Taking or giving bribes or any illegal gratification,

(*e*) Habitual absence without leave or absence without leave for more than ten days,

(*f*) Habitual late attendance.

(*g*) Habitual breach of any law applicable to the establishment,

(*h*) Riotous or disorderly behaviour during working hours of the establishment or any act subversive of descipline,

(*i*) Habitual negligence or neglect of work,

(*j*) Frequent repetition of any act of omission for which fine may be imposed to a maximum of two per cent of the wages in a month,

(k) Striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law, and

(l) Carrying concealed weapons, fighting or attempting bodily injury to another employee, drunkenness, boot-legging or conduct which violates common decency or morality of the community and threatening or intimidating any employee of the works.

(4) No order of dismissal shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the manager of the establishment or where there is no manager of the employer, is required in every case of dismissal and, when circumstances appear to warrant it, the manager or the employer may institute independent enquiries before dealing with charges against the workman.

Provided that in the case of workmen, to whom the provision of clause (2) of Article 311 of the Constitution of India apply the provisions of that clause shall be complied with.

(5) An order of suspension shall be in writing and may take effect immediately on delivery to the workman. Such order shall set out in detail the alleged misconduct and the workman shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry the order is confirmed, the workman shall be deemed to have been absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended.

(6) In awarding punishment under this standing order, the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the manager shall be supplied to the workman concerned.

15. *Complaints.*—All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or other person specified in this behalf with a right of appeal to the employer.

16. *Certificate of termination of service.*—Every permanent workman shall be entitled to a Service Certificate at the time of the dismissal, discharge or retirement from service.

17. *Liability of Manager.*—The manager of the establishment shall personally be held responsible for the proper and faithful observance of the Standing Orders.

18. *Exhibition of Standing Orders.*—A copy of these orders in English and in Kannada and also in Tamil whenever necessary shall be posted at the Manager's Office and on a Notice Board maintained at or near the main entrance of the establishment and shall be kept in legible condition.

SCHEDULE II.

FORM I.

[Industrial Employment (Standing Orders) Act, 1936.]

(Section 3)

To

The Certifying Officer, Government of Mysore.

Sir,

Under the provisions of Section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft Standing Orders prepared by me for adoption in .....
(Name).....(Place).....
(Postal Address).....an industrial establishment owned/controlled by me, with the request that these orders may be certified under the terms of Act. I also enclose a statement giving the particulars prescribed in rule five of the Mysore Industrial Employment (Standing Orders) Rules 1951.

I am, etc.,

....

(Signature) .....

Employer

Manager

FORM II.

[Notice under Section 5 of the Industrial Employment (Standing Order) Act, 1946.]

Office of the Certifying Officer.....,

Area Place.....,

Dated, the .....195..

I, ... Certifying Officer .... area, forward herewith a copy of the draft Standing Orders proposed by the employer for adoption in the..... ....industrial establishment and submitted to me for certification under the Industrial Employment (Standing Orders) Act, 1946. Any objections which the workmen may desire to make to the draft Standing Orders should be submitted to me within fifteen days from the date of receipt of this notice.

Seal.

.....

(Certifying Officer)

To

The Secretary,

.....Union.

Representative elected under Rule 6.

Name .....

Occupation.....

Industrial Establishment .....

FORM III.

[Industrial Employment (Standing Orders) Act, 1946,—Section 8.]

REGISTER—PART I.

Industrial Establishment.

Serial Number	Date of the despatch of the copy of Standing Orders authenticated under Section 6 for the first time.	Date of filing appeal	Date and nature of decision	Amendments made on appeal, if any	Date of the despatch of copy of Standing Orders as settled on appeal	Any notice subsequently given or received on any amendment	Result
1	2	3	4	5	6	7	8

PART II.

ain the authenticated copy of the Standing Orders.)

By Order of His Highness the Maharaja,

No. L.S. 3640—L.W. 193-51-2, dated 15th December 1951.

In exercise of the powers conferred by Section 38 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made to the Industrial Disputes (Mysore) Rules, 1951, the draft of the same having been published in Part IV, Section II-C of the *Mysore Gazette*, dated 15th November 1951, in Notification No. L.S. 3160—L.W. 193-51-1, dated the 13th November 1951, as required by sub-section (1) of the said section.

Amendments.

(1) For the words "and Tribunals" occurring at the end of the heading of Part II of the Industrial Disputes (Mysore) Rules, 1951, the words "Tribunals and qualifications of members of the Tribunals" shall be substituted.

(2) After Rule 5 of the said rules, the following rule shall be inserted :—

"5-A. *Qualifications of Members of Industrial Tribunals* :

Where an Industrial Tribunal consists of two or more members every such member (other than the Chairman) shall be a person who—

(1) in the opinion of the State Government :—

(*a*) is an expert in economic or financial matters ; or

(*b*) has had experience of problems relating to Labour or Industry for not less than five years ; or

(2) has been a presiding officer for not less than three years of any Court or Tribunal set up for the settlement or adjudication of industrial disputes ; or

(3) has at least for seven years been an Advocate of the High Court of Mysore ; or

(4) has at least for seven years been a presiding officer of any Civil Court."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. W. 817, dated Bangalore, 12th December 1951.

In exercise of the powers conferred by sub-section (2) of Section 24 of the Mysore House Rent and Accommodation Control Act, 1951, (Mysore Act No. XXX of 1951), His Highness the Maharaja of Mysore is pleased to specially empower the Magistrates of the First Class specified hereunder to pass a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1) of the said Section or for the contravention of any rule made punishable under sub-section (3) of Section 25, namely.—

1. First Class Magistrate, Ramanagaram.
2. Munsiff and First Class Magistrate, Dodballapur.
3. Second Munsiff and First Class Magistrate, Mysore.
4. Special First Class Magistrate, Nanjangud.
5. Special First Class Magistrate, Mandya (Additional Subordinate Judge).
6. Special First Class Magistrate, Srirangapatna.
7. Special First Class Magistrate, Hassan.
8. Additional First Class Magistrate, Hassan.
9. First Class Magistrate, Tumkur (Subordinate Judge).
10. Special First Class Magistrate, Madhugiri.
11. Special First Class Magistrate, Tiptur.
12. Special First Class Magistrate, Chikmagalur (Subordinate Judge).
13. Munsiff Magistrate, Narasimharajapura.
14. First Class Magistrate, Shimoga.
15. Special First Class Magistrate, Bhadravati.
16. Special First Class Magistrate, Sagar.
17. First Class Magistrate, Chitaldrug.
18. Special First Class Magistrate, Davangere.
19. First Class Magistrate, Kolar (Subordinate Judge).
20. First Class Magistrate, Chikballapur.
21. Additional First Class Magistrate, Chikballapur.
22. First Class Magistrate, K.G.F.
23. City Magistrate, Bangalore.
24. City Magistrate, Mysore.
25. First Class Magistrate, Civil Station.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. A.F. 8318—Mart.13-51-18, dated Bangalore, 14th December 1951.

In exercise of the powers conferred by Section 4 of the Mysore Agricultural Produce Markets Act, 1939, (Mysore Act No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to direct that in Notification No. A.F. 4845—Mart. 14-46-9, dated 16th April 1948, in item (2), the word " and " shall be omitted and after item (3) the following item shall be added, namely, " (4) Seegu ".

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-D

RULES MADE BY THE HIGH COURT OF MYSORE.

CIVIL SIDE.

NOTIFICATION.

No. R. Dis. 12 of 51-52, dated Bangalore 29th November 1951.

Rules under the Banking Companies Act, 1949.

In exercise of the powers conferred by sub-section (2) of Section 45-B and Section 45-G of the Banking Companies Act, 1949 (Central Act X of 1949), the High Court is pleased to make the following rules:—

1. These rules shall be called the Mysore Banking Companies Rules, 1951 and shall apply to all proceedings under the Banking Companies Act, 1949 (Act X of 1949).

2. In these rules unless the context or subject matter otherwise requires,

(1) 'Act' means the Banking Companies Act, 1949 (Act X of 1949);

(2) 'Company' means a company to which the provisions of the Act apply.

3. Applications under Part III or Part III-A of the Act shall be entitled in the matter of the Act and in the matter of the Banking Company as follows:—

"In the High Court of Mysore, Bangalore.

In the matter of the Banking Companies Act, 1949 and of the ..... Bank, Limited.

Civil Petition No. ..... of ....."

4. For all advertisements notices and other proceedings not before Court the following general heading shall be used :—

"In the matter of the Banking Companies Act, 1949, and of the Bank ..... Limited."

5. Except as is expressly provided in these rules, the Mysore Company Rules, for the time being in force in Mysore, shall apply to proceedings under the Act. In case of inconsistency these rules shall prevail.

6. Every application under Part III or Part III-A of the Act shall be made by a petition signed and verified by the applicant in the manner provided in the Code of Civil Procedure for signing and verifying plaints. The person making the application shall be called the 'Petitioner' and the opposite party, the 'Respondent'.

7. The application shall be drawn up on such paper and in such manner as prescribed by the rules in force for other applications and petitions presented to the High Court and shall be presented in the manner required by Rules 1, 2 and 5 of the High Court Rules.

8. As soon as an application under Part III or Part III-A of the Act is presented in the manner prescribed in Rules 3, 6 and 7 *supra*, it shall be registered as a Civil Petition and posted before such Judge as the Chief Justice may direct. Such Judge shall after hearing the applicant or his counsel, if he appears, pass such orders and give such directions as he deems proper, including directions for notice of the petition being given to such person or persons as may seem to him likely to be affected by the proceedings.

9. Where notice is directed to be given to any party, it shall be served on such party with a copy of the application, which shall be furnished by the petitioner along with his application, and the application shall not be heard until fourteen days after the service of notice, unless the Judge otherwise directs.

10. Applications for the determination of priorities and all other questions whatsoever, whether of law or of fact which may relate to or arise in the course of the winding up of the company, mentioned in sub-section (1) of Section 45-B of the Act including the recovery of the

debts due to the Banking Company by the Official Liquidator, shall be made by a petition. The petition shall contain a statement of facts relied on and the nature of the relief asked for. The petition shall be signed and verified as stated in Rule 6 *supra*. These applications shall also be presented in the manner required by Rules 3, 6 and 7 *supra*.

11. Applications referred to in Rule 10, shall be submitted for orders to the Judge who has for the time being, passed orders for the winding up of the company or to such other Judge as the Chief Justice may direct. The Judge shall direct notice of the petition to be given to the respondent or such other person or persons as may seem to him likely to be affected by the proceedings. Such notice shall be served with a copy of the petition, which shall be furnished by the petitioner along with his petition, and the petition shall not be heard until fourteen days after service of notice unless the Judge otherwise directs.

12. Notice of every application for the winding up of a company made by persons other than the Reserve Bank, shall be served on the Reserve Bank.

13. An answer to the petition mentioned in Rule 10 *supra*, shall be made by filing an affidavit and a copy thereof shall be served on the petitioner or his advocate at least two clear days before the date on which the notice is returnable.

14. On the date fixed for the hearing of the petition the Court may proceed to hear the petition or give such directions as it may think proper as to discovery and inspection, examination of witnesses, taking of evidence by affidavit or otherwise and generally for the speedy determination of the petition.

15. Where an order has been made for the winding up of a Banking Company, the Judge shall have power to order the transfer to him of any action, cause or matter, pending in any other Court Subordinate to the High Court brought or continued by or against the company. Proceedings so transferred to the High Court shall be dealt with in the same manner as claims and questions under Section 45-B of the Act.

16. Notwithstanding anything to the contrary contained in the Mysore Company Rules, for the time being

in force in Mysore, every depositor whose name appears as a depositor in the books of the Company shall be admitted as a creditor for the amount so appearing without proof, unless the Official Liquidator has reason for doubting any particular entry, in which case, he may call upon the depositor to file a proof of claim. The Official Liquidator shall notify every depositor so admitted without proof, of the amount for which he has been admitted as a creditor.

17. In all claims for money by a Banking Company, the debtor shall be entitled to plead by way of set off or counter-claim any amount which he may claim against the Company.

18. Every appeal from an order, decree or decision passed under the provisions of Section 45-B of the Act, shall be heard by a Division Bench of the High Court consisting of two other Judges than the Judge referred to in Rules 8 and 11 *supra*, notwithstanding anything contained in the High Court Act, 1884 (I of 1884), or in the Rules framed thereunder or under any law for the time being in force.

19. On every such appeal, a Court-fee of Rs. 100 shall be paid.

20. Every order passed in favour of a company may be executed by the High Court or transmitted for execution to any other Court subordinate to the High Court as the High Court may deem fit, provided the High Court shall be at liberty at any stage to withdraw for disposal by itself any proceeding in execution pending in another Court. Where the order is for enforcement of a mortgage' pledge, hypothecation or any other security the Court executing the order may direct the security to be sold by a Commissioner without the settlement of a sale proclamation but after such advertisement as the Court may direct.

21. The provisions of the Code of Civil Procedure, unless inconsistent with these rules, shall apply to all the proceedings under these rules.

22. (1) Proceedings under Section 45-C of the Act shall commence with a complaint being presented by the Official Liquidator to such Judge as the Chief Justice may direct. On presentation of the complaint, the Judge may issue a summons or a bailable or non-bailable warrant

against the accused and shall fix a date for the trial or may dismiss the complaint as he may in his discretion think fit.

(2) In the case of a trial under Section 45-C (1) the procedure provided in the Code of Criminal Procedure for the trial of summons cases shall so far as it is not inconsistent with the provisions of the Act be applicable.

(3) In the case of trial under Section 45-C (3) the procedure provided in the Code of Criminal Procedure for the trial of warrant cases shall so far as it is not inconsistent with the provisions of the Act be applicable.

23. The practice at present obtaining in the High Court with regard to issue of processes and notices shall apply to every process ordered to issue in cases under the above rule.

K. CHANDY,
Registrar-in-charge.

Printed by the Director of Printing, Stationery and Publications in Mysore.
at the Government Press, Bangalore.

380

Reg. No. M. 1475

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, WEDNESDAY, DECEMBER 26, 1951

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L. 10315—Cm. 27-51-9, dated Bangalore, the 26th December 1951.

In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore City Municipalities (Amendment) Act, 1951 (Mysore Act No. XXXVI of 1951), His Highness the Maharaja of Mysore is pleased to direct that the provisions of Section 8 of the said Act shall come into force in respect of Davangere City Municipality, on the 26th day of December 1951.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

Vol. 86] BANGALORE, THURSDAY, DECEMBER 27, 1951 [No. 51

PART IV

Section—1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L. D. 1241—Legis. 3-51-28, dated Bangalore, 27th September 1951.

Ordered that the Press (Incitement to Crime) Bill, 1951 (Central Bill No. 73 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 31st August, 1951 :

BILL No. 73 OF 1951.

A Bill to provide against the printing and publication of incitements to crime and other objectionable matter.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Press (Incitement to Crime) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(*b*) "Code" means the Code of Criminal Pocedure, 1898 (Act V of 1898);

(*c*) "competent authority" means any officer empowered in this behalf by a general or special order of the State Government;

(*d*) "document" includes also any painting, drawing or photograph or other visible representation;

(*e*) "newspaper" means any periodical work containing public news or comments on public news;

(*f*) "news-sheet" means any document other than a newspaper containing public news or comments on public news;

(*g*) "press" includes a printing press and all machines, implements and parts thereof and all materials used for multiplying documents;

(*h*) "Press Registration Act" means the Press and Registration of Books Act, 1867 (XXV of 1867);

(*i*) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(*j*) "sessions judge", in relation to the presidency town of Calcutta or of Madras, means the chief presidency magistrate;

(*k*) "unauthorised newspaper" means—

(*i*) any newspaper in respect of which security has been required under this Act but has not been furnished as required, or

(*ii*) any newspaper which is published without conforming to the rules laid down in section 5 of the Press Registration Act;

(*l*) "unauthorised news-sheet" means any news-sheet in respect of which security has been required under this Act but has not been furnished as required;

(*m*) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act.

3. *Objectionable matter deemed.*—In this Act, the expression "objectionable matter" means any words, signs or visible representations which—

(*i*) incite or encourage or tend to incite or encourage, any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(*ii*) incite or encourage, or tend to incite or encourage, any person to commit murder, sabotage or any offence involving violence; or

(*iii*) incite or encourage any person to interfere with the administration of the law or with the maintenance of law and order or with the administration of laws regulating the supply and distribution of food or other essential commodities or services; or

(*iv*) tend to reduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force ; or

(*v*) are calculated to induce a public servant or servant of a local authority to do any act, or to forbear or delay to do any act, connected with the exercise of his public functions otherwise than according to law ; or

(*vi*) tend to promote feelings of enmity or hatred between different classes of persons in India ; or

(*vii*) are calculated to put any person in fear and thereby to induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do ; or

(*viii*) are grossly indecent, or are scurrilous or obscene.

CHAPTER II.

PRINTING AND PUBLICATION OF OBJECTIONABLE MATTER.

4. *Power to demand security from presses in certain cases.*—Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided, a sessions judge is satisfied—

(*a*) that any printing press kept within the local limits of his jurisdiction is used for the purpose of printing or publishing any news-paper, news-sheet, book or other document containing objectionable matter, and

(*b*) that there are sufficient grounds for demanding security from the keeper of the press under this section,

the sessions judge shall, by order in writing, direct the keeper of the press to deposit as security within fifteen days from the date of the order, such amount as the court may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose.

5. *Power to forfeit security or demand further security*—Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided the sessions judge is satisfied—

(*a*) that any printing press in respect of which any security has been ordered to be deposited under section 4 or under this section is thereafter used for the purpose or printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, and

(*b*) that there are sufficient grounds for making an order under this section,

the sessions judge shall, by order in writing,—

(*i*) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

(*ii*) direct the keeper of the press to deposit, within fifteen days from the date of the order such further security as the court may deem fit to require,

and may also, in either case, declare all copies of the newspaper, news-sheet, book or other document containing such objectionable matter, wherever found in India, to be forfeited to the Government.

6. *Consequences of failure to deposit security as required under section 4 or section 5.*—(1) Where the keeper of a press is required under section 4 or section 5 to deposit any amount as security and the deposit is not made within the time allowed,—

(*a*) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled;

(*b*) notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make, or be allowed to make a fresh delcaration before a magistrate under that Act in respect of the press unless he deposits with the magistrate as security the same amount as was required of the keeper of the press under section 4 or section 5, as the case may be, in money or the equivalent thereof in Government securities as the person making the deposit may choose; and

(*c*) the press shall not be used for the printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(2) Where any printing press is unsed in contravention of clause (*c*) of sub-section (1), any magistrate may, on a complaint in writing made to him in this behalf by the competent authority, direct the keeper of the press to show cause why it should not be forfeited to Government, and, after hearing him and on being satisfied that there are grounds for passing the order, declare the press to be forfeited to Government.

7. *Power to demand security from newspapers and news-sheets in certain cases.*—Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided, a sessions judge is satisfied—

(*a*) that a newspaper or news-sheet published within the local limits of his jurisdiction contains any objectionable matter, and

(*b*) that there are sufficient grounds for demanding security from the publisher of the newspaper or news-sheet under this section,

the sessions judge shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit as security within fifteen days from the date of the order, such amount as the court may think fit to require in money or the equivalent thereof in Government securities as the person making the deposit may choose.

8. *Power to forfeit security or demand further security.*—Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided, the sessions judge is satisfied—

(*a*) that any newspaper or news-sheet in respect of which any security has been ordered to be deposited under section 7 or under this section thereafter publishes any objectionable matter, and

(*b*) that there are sufficient grounds for making an order under this section,

the sessions judge shall, by order in writing,—

(*i*) declare such security as has been deposited or any portion thereof to be forfeited to the Government, or

(*ii*) direct the publisher of the newspaper or news-sheet to deposit within fifteen days from the date of the order such further security as the judge may deem fit to require.

and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Government.

9. *Consequences of failure to deposit security as required under section 7 or section 8.*—(1) Where the publisher of a newspaper is required under section 7 or section 8 to deposit any amount as security and the deposit is not made within the time allowed,

(a) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled ; and

(b) notwithstanding anything contained in the Press Registration Act, no person shall make,or be allowed to make, a fresh declaration before a magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper, unless he deposits with the magistrate as security the same amount as was required of the publisher of the newspaper under section 7 or section 8 as the case may be, in money or the equivalent thereof in Government securities as the person making the deposit may choose.

(2) Where a deposit is required from the publisher of a newspaper or news-sheet under section 7 or section 8, no printing press shall, after the expiry of the time allowed to make the deposit, be used for the printing or publishing of such neswpaper or news-sheet until the deposit has been made.

(3) Where any printing press is used in contravention of sub-section (2), any magistrate may, on a complaint in writing made to him in this behalf by the competent authority, direct the keeper of the press to show cause why it should not be forfeited to Government, and, after hearing him and on being satisfied that there are grounds for passing the order, delcare the press to be forfeited to Government.

10. *Power of Government to declare certain publications forfeited.*—The State Government may on the certificate of the Advocate-General or other law officer of the State or of the Attorney-General of India that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, by notification in the Official Gazette, stating the grounds for the order, delcare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to Government.

11. *Power to detain packages containing certain publications when imported.*—The chief customs officer or other officer authorised by the State Government in this behalf may detain any package brought whether by land, sea or air into the territories to which this Act extends in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter, and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the State Government may direct.

12. *Prohibition of transmission by post of certain documents.*—(1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act, and no unauthorised newspaper or unauthorised news-sheet, shall be transmitted by post.

(2) Any officer in charge of a post office or authorised in this behalf by the Post master-General may detain in course of transmission by post any article, other than a letter which he suspects to contain any such document as is mentioned in sub-section (1), and shall deliver all such articles to such officer as the State Government may appoint in this behalf to be disposed of in such manner as the State Government may direct.

13. *Power to seize and destroy unauthorised news-sheets and newspapers.*—(1) Any police officer or any other person empowered in this behalf by the State Government may seize any unauthorised newspaper or unauthorised news-sheet.

(2) Any presidency magistrate, district magistrate, sub-divisional magistrate or magistrate of the first class may, by warrant authorise any police officer, not below the rank of sub-inspector, to enter upon and search any place where any stock of unauthorised newspapers or news-sheets may be, or may be reasonably suspected to be, and such police officer may seize any documents found in such place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a presidency magistrate, a district magistrate, a sub-divisional magistrate or a magistrate of the first class and all documents seized under sub-section (2) shall be produced as soon as may be before the court of the magistrate who issued the warrant.

(4) If, in the opinion of such magistrate or court, any of such documents are unauthorised newspapers or unauthorised news-sheets, the magistrate or court may cause them to be destroyed, but if, in the opinion of such magistrate or court, any of such documents are not unauthorised newspapers or unauthorised news-sheets, such magistrate or court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code.

14. *Power to seize and forfeit undeclared presses producing unauthorised newspapers and unauthorised news-sheets.*—(1) Where a presidency magistrate, district magistrate or sub-divisional magistrate, has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where such undeclared press may be, or may be resaonably suspected to be and if in the opinion of such police officer any press found in such place is an undeclared press and is used to produce an unauthorised newspaper or unauthorised news-sheet, he may seize such press and any documents found in the place which in his opinion are unauthorised newspapers or unauthorised news-sheets.

(2) The police officer shall make a report of the search to the court which issued the warrant and shall produce before such court as soon as may be all property seized :

Provided that where any press which has been seized cannot be readily removed the police officer may produce before the court only such parts thereof as he may think fit.

(3) If such court after such inquiry as it may deem requisite is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press to be forfeited to Government, but if after such inquiry the court is not of such opinion it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code.

(4) The court shall deal with the documents produced before it under this section in the manner provided in sub-section (4) of section 13.

CHAPTER III

PROCEDURE

Inquiry before Sessions Judges

15. *Contents of complaint.*—Every complaint to the sessions judge under this Act against any person (hereinafter referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made, and where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the State Government, should be so demanded.

16. *Issue of notice.*—On receipt of a complaint from the competent authority the sessions judge shall issue notice thereof to the respondent calling upon him to appear and show cause on a date to be specified in the notice why such action as may be appropriate in the circumstances of the case should not be taken against hin under this Act.

17. *Non-appearance of respondent.*—If upon the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the sessions judge shall proceed to hear the complaint and take all such evidence if any, as may be produced in support of the complaint and pass such orders under this Act as he may think fit.

18. *Procedure in other cases.*—(1) When the respondent appears before the sessions judge in compliance with a notice under section 16, the sessions judge shall proceed to inquire into the complaint upon which action has been taken and after taking such further evidence, if any, as may be produced and after hearing the parties, pass such orders under this Act as he may think fit.

(2) Any inquiry under this Act shall be made as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases by magistrates under the Code.

19. *Jury for inquiry.*—(1) If in any inquiry before a sessions judge under this Act the respondent claims to have the matter determined with the aid of a jury, the provisions hereinafter contained shall apply.

(2) Every such jury shall consist of five persons and shall be chosen from the persons summoned to act as such from the list of persons prepared under sub-section (3).

(3) Such officer as may be appointed by the State Government in this behalf shall prepare and make out in alphabetical order a list of persons residing within the State who by reason of their journalistic experience or of their connection with printing presses or newspapers or of their experience in public affairs are qualified to serve as jurors.

(4) The list shall contain the name, the place of residence and occupation of every such person.

(5) The provisions of Chapter XXIII of the Code shall, so far as they can be made applicable consistently with the provisions of this Act, apply to the preparation and revision of lists of jurors and the choosing of jurors under this section and to inquiries before any sessions judge under this Act as they apply in relation to courts of sessions.

20. *Opinion of the jury.*—(1) Where in an inquiry made with the aid of a jury the sessions judge does not think it necessary to express disagreement with the opinion of the jurors or a majority of the jurors, he shall pass orders accordingly.

(2) If in any such inquiry the sessions judge disagrees with the opinion of the jurors and is of opinion that it is necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly recording the grounds for his opinion.

(3) In dealing with the case so submitted the High Court may exercise any of the powers conferred on a sessions judge by this Act.

21. *Evidence to prove nature or tendency of newspapers or news-sheets.*—In any inquiry before a sessions judge with reference to any newspaper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid af the proof of the nature or tendency of the words, signs or visible representations in respect of which the complaint is made.

Reference to High Court

22. *Application to High Court to set aside orders of sessions judges.*—(1) Any person who has been ordered to deposit security under section 4, section 5, section 7 or section 8 or who has an interest in any property in respect of which an order of forfeiture has been made under section 5, section 8 or section 10 may, within two months of the date of such order, apply to the High Court to set aside such order on the ground that the newspaper, news-sheet, book or other document in respect of which the order was made did not contain any objectionable matter.

(2) The keeper of a printing press aggrieved by any order passed under this Act on the ground that his press has been used in contravention of any of the provisions of this Act may, within two months of the date of the order, apply to the High Court to set aside the order on the ground that the press was not so used.

23. *Order of High Court setting aside forfeiture.*—(1) If it appears to the High Court on an application under sub-section (1) of section 22 that the words, signs or visible representations contained in the newspaper, news-sheet, book or other document in respect of which the order in question was made did not contain objectionable matter within the meaning of this Act, the High Court shall set aside the order.

(2) If it appears to the High Court on an application under sub-section (2) of section 22 that the printing press was not used in contravention of any of the provisions of this Act, the High Court shall set aside the order.

24. *Procedure in High Court.*—Every High Court shall frame rules to regulate the procedure in respect of applications under section 22 and cases submitted to the High Court under section 20, the amount of the costs thereof, and the execution of orders passed therein, and until such rules are framed the practice of such High Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

CHAPTER IV

PENALTIES

25. *Penalty for keeping press or publishing newspaper without making deposit.*—(1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit as required under section 4 or section 5 shall be punishable with fine, which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

(2) Whoever publishes any newspaper or news-sheet without making a deposit as required under section 7 or section 8 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with fine, which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

26. *Penalty for disseminating unauthorised newspapers and unauthorised news-sheets.*—(1) Whoever makes, prints or otherwise produces, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication any unauthorised newspaper or unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code, any offence punishable under sub-section (1) and any abetment of any such offence shall be cognizable.

CHAPTER V

MISCELLANEOUS

27. *Service of notices.*—Every notice under this Act shall be served in the manner provided for the service of summonses under the Code:

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as

described in the keeper's declaration under section 4 of the Press Registration Act, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of that Act, and thereupon the notice shall be deemed to have been duly served.

28. *Issue of search warrants in certain cases.*—(1) Where any printing press is, or any copies of any newspaper, news-sheet, book or other document are, declared forfeited to Government under this Act, the State Government may direct a magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(*a*) where any such property may be, or may be reasonably suspected to be, or

(*b*) where any copy of such newspaper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(2) Without prejudice to the provisions contained in sub-section (1), where any newspaper, news-sheet, book or other document is declared forfeited to Government, it shall be lawful for any police officer to seize the same wherever found.

29. *Conduct of searches.*—Every warrant issued under this Act shall, so far as it relates to a search., be executed in the manner provided for the execution of search warrants under the Code.

30. *Power to transfer cases.*—Whenever it appears to the High Court or, as the case may be, the Central Government that the transfer of any particular inquiry under this Act from one sessions judge to another will be convenient or will promote the ends of justice, such transfer may be directed—

(*a*) where both the sessions judges are subject to the appellate jurisdiction of a High Court, by that High Court; and

(*b*) in any other case by the Central Government.

31. *Bar of jurisdiction.*—Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any court except the High Court on application under section 22, and no civil or criminal proceeding except as provided by this Act shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

32. *Operation of other laws not barred.*—Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act.

33. *Amendment of sections* 4 *and* 8, *Act XXV of* 1867.—In the Press and Registration of Books Act, 1867,—

(*a*) in section 4, for the words "the magistrate" the words "the District, Presidency or Sub-Divisional Magistrate" shall be substituted; and

(*b*) in section 8, for the words "any magistrate" the words "any District, Presidency or Sub-Divisional Magistrate" shall be substituted.

34. *Repeals.*—(1) The Acts specified in the First Schedule are hereby repealed.

(2) Any provision contained in any of the Provincial or State Acts specified in the Second Schedule, in so far as it imposes any restrictions on the printing, publication or circulation of any newspaper, news-sheet, book or other document, whether by providing for the pre-censorship thereof, or for the demand of security from the printer or publisher, or in any other manner, shall cease to have effect.

THE FIRST SCHEDULE

[*See* Section 34 (1)]

CENTRAL ACTS

1. The Indian States (Protection against Disaffection) Act, 1922.
2. The Press (Emergency Powers) Act, 1931 (XXIII of 1931).
3. The Foreign Relations Act, 1932 (XII of 1932).
4. The Indian States (Protection) Act, 1934 (XV of 1934).

STATES ACTS

1. The Hyderabad Press and Printing Establishment Act (XII of 1357F).
2. The Madhya Bharat Press (Emergency Powers) Act, 1950 (LXIX of 1950).
3. The Mysore Press and Newspapers Act, 1940 (XIV of 1940).
4. The Patiala and East Punjab States Union Press (Emergency Powers) Ordinance 2006 (XIV of 2006).
5. The Rajasthan Press Control Ordinance, 1949 (XXVI of 1949).

THE SECOND SCHEDULE

[*See* Section 34 (2)]

1. The Assam Maintenance of Public Order Act, 1947 (V of 1947).
2. The Bihar Maintenance of Public Order Act, 1949 (III of 1950).
3. The Bombay Public Security Measures Act, 1947 (VI of 1947).
4. The Madhya Pradesh Public Security Measures Act, 1950 (XXIII of 1950).
5. The Madras Maintenance of Public Order Act, 1949 (XXIII of 1949).
6. The Orissa Maintenance of Public Order Act, 1950 (X of 1950).
7. The West Bengal Security Act, 1950 (XIX of 1950).
8. The United State of Gwalior, Indore and Malwa (Madhya Bharat) Maintenance of Public Order Act, Samvat 2005 (VII of 1949).
9. The Patiala and East Punjab States Union Public Safety Ordinance, 2006 (VII of 2006).
10. The Saurashtra Public Safety Measures Ordinance, 1948 (IX of 1948).
11. The Travancore-Cochin Public Safety Measures Act, 1950 (V of 1950).
12. The Bhopal State Public Safety Act, 1947 (V of 1947).

STATEMENT OF OBJECTS AND REASONS

In the course of the debates in Parliament on the Constitution (First Amendment) Bill, Government promised to introduce as soon as possible a Press Bill which would be free from the objectionable features of the Act of 1931 and be in consonance with the new Constitution. This Bill is being introduced in accordance with that undertaking.

The provisions of this Bill are directed against the encouragement of violence or sabotage and certain other very grave offences and against the publication of *scurrilous matter. The definition of "objectionable matter"* has been strictly confined to this purpose. All existing laws exceeding the limits prescribed in this Bill or which are against the provisions of the Fundamental Rights guaranteed in the Constitution are specifically repealed. In particular it may be mentioned that no pre-censorship will be imposed on any newspaper. No action will be taken in anticipation but only after a proved abuse of the freedom of the press by publication of objectionable matter as defined.

The provisions of the Act of 1931 under which security could be demanded when a newspaper is started are to be no longer in force. Security will be demanded only after proof of actual abuse of the freedom of the press by publication of objectionable matter; and even then the demand of security or its forfeiture will not as under the Act of 1931 be matters to be decided by the executive. In every case orders will be passed only by a judicial authority, that is, by a sessions judge after full trial, hearing the Government as well as the keeper of the press or the publisher of the newspaper complained against. The respondent will have the right to claim trial by a special jury composed of persons particularly qualified to s t in judgment over cases of abuse of the freedom of the press by journalistic experience or by association with public affairs.

A right of appeal is provided to the High Court on all points involved in every case.

C. RAJAGOPALACHARI.

NEW DELHI;
The 28th August, 1951.

NOTIFICATION.

No. L.D. 1242—Legis 3-51-29, dated Bangalore, 27th September 1951.

Ordered that Delhi Special Police Establishment (Amendment) Bill, 1951 (Central Bill No. 74 of 1951), published in the *Gazette of India,* Part II, Section 2, dated the 8th September 1951, be re-published in the *Mysore Gazette,* for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

The following Bill was introduced in Parliament on the 4th September, 1951 :—

BILL No. 74 OF 1951.

A Bill further to amend the Delhi Special Police Establishment Act, 1946.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Delhi Special Police Establishment (Amendment) Act, 1951.

2. *Amendment of the long title and the preamble, Act XXV of* 1946.—In the long title of, and the preamble to, the Delhi Special Police Establishment Act, 1946 (hereinafter referred to as the principal Act), for the words "for the State of Delhi for the investigation of certain offences committed in connection with matters concerning Departments of the Central Government," the words "in Delhi for the investigation of certain offences in Part C States" shall be substituted.

3. *Amendment of section* 2, *Act XXV of* 1946.—In section 2 of the principal Act,—

(*a*) in sub-section (1),—

(*i*) the words "for the State of Delhi" shall be omitted, and

(*ii*) for the words "in that State" the words "in any Part C State" shall be substituted;

(*b*) in sub-section (2) and sub-section (3), for the words "the State of Delhi" the words "any Part C State" shall be substituted.

4. *Amendment of section* 3, *Act XXV of* 1946.—In section 3 of the principal Act, the words "committed in connection with matters concerning Departments of the Central Government" shall be omitted.

5. *Amendment of section* 5, *Act XXV of* 1946.—In sub-section (1) of section 5 of the principal Act, for the words "in India outside the State of Delhi" the words and letters "in a Part A State or a Part B State" shall be substituted.

6. *Substitution of new section for section* 6, *Act XXV of* 1946.—For section 6 of the principal Act, the following section shall be substituted, namely :—

"6. *Consent of State Government to exercise of powers and jurisdiction.*—Nothing contained in section 5 shall be deemed to enable any member of the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in a Part A State or a Part B State, not being a railway area, without the consent of the Government of that State."

STATEMENT OF OBJECTS AND REASONS

The Delhi Special Establishment is a Central Police force constituted under the Delhi Special Police Establishment Act to investigate offences of bribery and corruption committed by officers or others in departments of the Central Government. It does not confer any power to deal with cases concerning—

(*a*) corporations and other bodies set up and financed by the Government of India ; and

(*b*) departments of the administrations in centrally administered States.

It is considered necessary that the Delhi Special Police Establishment should be empowered to investigate such offences. The amending Bill seeks to give authority to the Central Government to confer this jurisdiction.

C. RAJAGOPALACHARI.

NEW DELHI ;

The 25*th August*, 1951.

The following report of the Select Committee on the Bill further to amend the Indian Companies Act, 1913, was presented to Parliament on the 30th August 1951 :—

WE, the undersigned, members of the Select Committee to which the Bill further to amend the Indian Companies Act, 1913, was referred, have considered the Bill, and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

Clause 2.—The original clause does not prevent the directors or share-holders of a company, when so empowered by its articles, from increasing the number of directors even beyond the maximum number specified in the articles and thereby from indirectly getting round its provisions; nor does it specifically prohibit an increase in the remuneration of a managing director or any other director except with the approval of the Central Government. It has also come to our notice that in some cases undesirable elements corner shares in companies and thereafter get themselves elected as directors with the object of exercising an unhealthy influence on managing agents. We think Government should be armed with adequate powers to meet this evil wherever necessary.

We have accordingly recast this clause so as to cover all the aforesaid matters, but at the same time we are of opinion that there is no need to make this provision applicable to private companies unless they happen to be subsidiary companies of public companies.

Clause 4.—There is no reason why the approval of the Central Government should be made a condition precedent to the transfer of his office by a managing agent where the managed company is a private company. We have revised this clause accordingly.

Clause 5.—In our opinion it is unnecessary to provide that every inconsequential change in the shareholding of a managing agency company should require the prior approval of the Central Government, nor is it desirable to restrict *bona fide* dealings in the shares of public limited managing companies on the stock exchange. Even if it were intended to bring all changes in the shareholding of a managing agency company within the purview of this clause, it would be extremely difficult to administer such a provision. We have accordingly recast this clause and have restricted its application to public companies managed by managing agents. Normally a change in the holding of shares in a managing agent which is a public company would not be a change in the constitution of the managing agent, but power is given to the Central Government to intervene in suitable cases.

Clause 6.—We have revised the clause so as to bring within it the appointment of new managing agents and the reappointment or replacement of old managing agents.

Clause 7.—We have made several changes in this clause. We think that the Central Government should also have the power to apply under this provision for setting right the affairs of company. We have also provided that if any interested person applies to be made a party to any proceeding under this provision, the court shall be obliged to make him a party.

We have also expanded sub-clause (5) to include provisions for termination or revision of agreements with persons other than managing agents, etc., after due notice to the parties concerned, and also for the setting aside of transactions in the nature of fraudulent preferences.

In the proposed section 153-D, apart from consequential changes we have made it clear that no court shall grant leave under sub-section (3) thereof to any managing agent, managing director, etc., unless the Central Government has been given an opportunity of being heard in the matter. We have also tightened up the definition of an associate of a managing agent.

Clause 8.—We think that the commission's duty should not be confined merely to the tendering of advice on applications for approval made to the Central Government but should also extend to the tendering of advice in respect of any other matter arising out of the provisions of this Bill which may be referred to it. Sub-section (2) of the proposed section 289B has been amended accordingly.

We have also provided that before any application for approval is made to the Central Government, a general notice to the shareholders indicating the nature of the approval sought should be published once in an Indian language and once in the English language in a newspaper circulating in the locality. There is no need, however, to make this provision apply to a private company which is not the managing agent of a public company.

We have also amplified the powers of the commission to call upon any person to supply such information or to produce such books or accounts in his possession as the commission may require for the purposes of its inquiry. The commission is also given power to put any person including a shareholder on oath for the purpose of any inquiry under this provison.

2. The Bill was published in the *Gazette of India*, Part II—Section 2, dated the 18th August 1951.

3. We think that the Bill has not been so altered as to require circulation under rule 77(4) of the Rules of Procedure and Conduct of Business in Parliament, and we recommend that it be passed as now amended.

M. ANANTHASAYANAM AYYANGAR.
C. D. DESHMUKH.
MAHAVIR TYAGI.
N. P. NATHWANI.
R. N. GOENKA.
M. SHANKARAIYA.
*P. D. HIMATSINGKA.
HUKAM SINGH.
S. V. NAIK.
KHANDUBHAI K. DESAI.
M. V. GHULE.
RENUKA RAY.
T. A. RAMALINGAM CHETTIAR.
MATHURA PRASAD MISHRA.
*B. P. JHUNJHUNWALA.
SYAMNANDAN SAHAYA.
M. R. MASANI.
B. L. SONDHI.
K. T. SHAH.
HARIHAR NATH SHASTRI.

NEW DELHI;
The 30th August, 1951.

*Subject to a Minute of Dissent.

MINUTES OF DISSENT

I

I regret I was absent when the Bill was taken up for consideration by the Select Committee on the first two days. So I could not take part in the discussions on the Bill clause by clause. While seemingly the Bill purports to place various curbs on the powers enjoyed by the Managing Agents, in effect the provisions of the Bill give the Managing Agents, more or less, a permanent lease of life. At the same time even the slightest change in the Constitution of the Managing Agency firms or companies is being proposed to be prohibited by Clause 5—proposed Section 87BB. At present, under the existing Section 87B of the Indian Companies Act, the transfer of Office by the Managing Agents is void unless approved by the Company in a General Meeting. By clause 5 of the bill along with the approval by the Company in a General Meeting, now the approval of the Government is also sought to be added by the proposed amendment as necessary to sanction a transfer. But any slight change in the Constitution of the Managing Agency firm or company is at present not regarded as a transfer and such changes in the Managing Agency firm, so long as one of the original partners continue is not regarded as a transfer of Office. But by clause 5 of the bill unless the Managing Agency company is a public company, whose shares are dealt in or quoted on the Stock Exchanges, any change in the Constitution of a Managing Agency firm or any change in the registered ownership of even one share in a private limited company, will amount to a change in the constitution of the Managing Agency firm or company, the effect whereof will be that the Company shall cease to be entitled to act as such Managing Agents. If a Managing Agency company or firm consists of, say, the members of a family consisting of several brothers, even the transfer of one share by one of the brothers to one of his sons, or the slightest change of interest, of the original shareholders or partners, will be regarded as a change and unless approved by the Government, will act as a termination of the agreement of the Managing Agents. I do not think that that could be the intention of Government, and therefore, a provision should be made to make suitable exceptions in such cases where the intention is not to transfer for substantial consideration of money the Office of the Managing Agents to any outsider. The provisions of clause 7 of the bill adding Sections 153C and 153D should be regarded as sufficient to protect the interests of the minority shareholders, if they are threatened by any change in the Constitution of the Managing Agency firm and, therefore, unless the shareholders complain of their interest having been affected, a mere change in the Constitution or composition of a Managing Agency firm or company should not be regarded as a disability, specially when nobody minds it and nobody is affected thereby and no Government sanction should be obligatory. The present proviso to Sub-section (c) in Section 87B is directly contrary or contradictory to the provisions now proposed and the said proviso to Section 87B, Sub-section (c) has also been retained. As regards clause 5 of the bill, the proposed section 87BB I do not think that the appointment of a Managing Agent for a new company which is floated hereafter should be made subject to the approval of Government. Moreover, the provision of clause 8, Section 289B Sub-clause 4, regarding publication of notice in two newspapers, should not be made applicable to all applications for approval. New appointments, at any rate, should be excluded and should not need such publication. In fact when a Company is formed and Managing Agents appointed at the time of the formation of the Company there will be only seven signatories to the Memorandum and Articles who may be regarded as shareholders. In fact, it may further be said that even before registration or incorporation of the Company, if the Company wants to have a Managing Agent, the approval of the Government will have to be obtained. Whose interest will it then be to object except of the seven signatories? As regards clause 7, Section 153C the Court has been given power to regard any material change in the control of a company

or in the composition of a Managing Agency firm or company as justifying an order of winding up. No provision has been made to exclude such cases of change even where the Government has approved the change in the constitution composition or control of the Managing Agency firm or company, and I suggest that this should be expressly provided for. In Section 153C the word 'otherwise' in Sub-clause (a) of Clause 1 seems to be redundant. On the contrary it is likely to create complications. All claims arising out of the termination of the Office or in pursuance of the agreement will be extinguished, but there might be money claims for moneys lent or advanced or for goods supplied etc. The word 'otherwise' might lead to an interpretation that even those claims will be extinguished. As already stated clause 8, Section 289B, sub-clause 4, the provision about the issue of notice to members, as also notice in the newspapers, should not be made applicable to all the applications, at least the applications by new companies, and approval for slight and minor changes in the Constitution of a firm should also be excluded. There should also be some provision somewhere that the approval or refusal of any application by the Government should be communicated to the applicant within reasonable limit of time which should be prescribed in the Act itself. Otherwise, there will be the usual administrative delay. Moreover, the last sub-clause that has been proposed to be added by Government, namely sub-clause (2) Section 86J of clause 2 of the Bill seems to be very drastic. The normal powers of a shareholder are sought to be taken away. The effect of all the provision throughout appears to be contrary to the democratic principles of a majority rule. The Constitution of a Government whether Central or State can be changed by votes of half the Members of the House, but the Directors of a company cannot be changed, even if an overwhelming majority of the shareholders want it and decide in favour thereof, I am afraid the effect of this provision is likely to act as a definite damper on the investment market. Moreover it is a matter worth consideration as to whether or not a person who has parted with all his shares or most of his shares for good consideration can or should be heard as an injured party.

P. D. HIMATSINGKA.

NEW DELHI,
The 30th August, 1951.

NOTIFICATION.

No. L. D. 1243—Legis. 3-51-30, dated Bangalore, 27th September 1951.

Ordered that the Report of the Select Committee on the Indian Companies (Amendment) Bill, 1951 (Central Bill No. 63 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

II

I join Shri P. D. Himatsingka with his notes of dissent so far as it relates to the sub-clause (a) of clause 1 of section 87CC of appointment of Managing Agent of a new company and to the sub-clause (2) of clause 2 of section 86J giving powers to the Central Government to allow effect to be given or not to be given to a change in the Board of Directors on the complaint of the Managing Agent.

B. P. JHUNJHUNWALA.

NEW DELHI;

The 30th August, 1951.

(AS AMENDED BY THE SELECT COMMITTEE)

(*Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate the omissions*)

BILL No. 63 OF 1951.

A

BILL

further to amend the Indian Companies Act, 1913.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Indian Companies (Amendment) Act, 1951.

2. *Insertion of new section 86J in Act VII of* 1913.—After section 86A of the Indian Companies Act, 1913 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"86J. *Restrictions on appointment, reappointment and number of directors, their remuneration, etc.*—(1) Notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of, or any agreement with, any company—

(*a*) any amendment in the articles or any variation in the agreement—

(*i*) which relates to the appointment * * of a managing director or the appointment or election of a director not liable to retire by rotation; or

(*ii*) which purports to increase or has the effect of increasing, whether directly or indirectly, the remuneration of a managing director or any other director, or

(*b*) any increase in the number of directors provided for in the articles, except where the increase is within the maximum limits permissible under the articles as in force on the 21st day of July, 1951, or

(*c*) the reappointment after the 21st day of July, 1951, of a managing director in place of the managing director holding office as such on that date or thereafter, if the

terms of such reappointment purport to increase or have the effect of increasing, whether directly or indirectly, the remuneration that the managing director was receiving immediately before such reappointment,

shall be void unless approved by the Central Government.

(2) Where a complaint is made to the Central Government by the managing agent, managing director or any other director of a company that as a result of a change in the ownership of the shares held in the company a change in the board of directors is likely to take place, which, if allowed, would affect prejudicially the affairs of the company, the Central Government may, if, after such inquiry as it thinks fit to make it is satisfied that it is just and proper so to do, by order direct that no resolution passed or action taken to effect a change in the board of directors after the date of the complaint shall have effect unless confirmed by the Central Government, and any such order shall have effect notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of the company.

(3) Nothing contained in this section shall apply to a private company unless it is subsidiary company of a public company."

3. *Insertion of new section 87AA in Act VII of* 1913.—After section 87A of the principal Act, the following section shall be inserted, namely :—

"87AA. *Restrictions on extension of term of office of managing agents.*—In the case of a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company which purports to extend, or has the effect of extending, the term of office of a managing agent holding office as such on the 21st day of July 1951, shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void unless approved by the Central Government:

Provided that nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company."

4. *Amendment of section 87B, Act VII of* 1913.—After the proviso to clause (c) of section 87B of the principal Act, the following further proviso shall be inserted, namely :—

"Provided further that in the case of a public company managed by a managing agent, a transfer of his office by the managing agent shall be void unless the approval of the Central Government is also obtained."

5. *Insertion of new section 87BB in Act VII of* 1913.—After section 87B of the principal Act, the following section shall be inserted, namely :—

"87BB. *Restrictions on change in the constitution of a managing agent.*—(1) Notwithstanding anything contained in any other provision of this Act, in the case of a public company managed by a managing agent which is a firm or a company, no change in the constitution of the managing agent shall have effect unless approved by the Central Government, and every such firm or company shall cease to be entitled to act as such managing agent from the date of such change until the approval of the Central Government is obtained.

Explanation I.—Subject to the exceptions contained in *Explanation II*, a change in the constitution of a managing agent takes place in any of the following circumstances, namely :—

(*a*) where the managing agent is a firm, by a change among the partners of the firm, whether caused by the retirement or replacement of any of the partners or by the introduction of a new partner, as the case may be,

(*b*) where the managing agent is a company, by a change among the board of directors, or managers thereof, whether caused by the retirement or replacement of any director or manager or by the introduction of a new director or manager, as the case may be, or by a change in the registered ownership of shares in the company,

(*c*) where the managing agent is a private company, by the conversion thereof into a public company.

Explanation II.—No change in the constitution of a managing agent shall be deemed to have taken place in any of the following circumstances, namely :—

(*a*) where the managing agent is a firm, by a change among the partners of the firm caused by the death or retirement by efflux of time of a partner.

(*b*) where the managing agent is a company by a change among the board of directors, or managers caused by the death or retirement by efflux of time of any of them or a change caused by the death of any shareholder of the managing agency company.

(2) Notwithstanding anything contained in sub-section (1), where the change in the constitution of the managing agent, which is a public company the shares whereof are for the time being dealt in or quoted on the principal stock exchanges of India is due to a change in the registered ownership of the shares held therein, nothing contained in that sub-section shall apply to the managing agent unless the Central Government, by notification in the Official Gazette, otherwise directs, and any such notification may provide that with effect from such date as may be specified therein every such managing agent shall cease to be entitled to act as such until the approval of the Central Government is obtained to the change :

Provided that no such notification shall be issued unless the Central Government is of opinion that the change is of such a nature that it has affected or is likely to affect prejudicially the affairs of the company which is being managed by the managing agent."

6. *Insertion of new section 87CC in Act VII of* 1913.—(1) After section 87C of the principal Act, the following section shall be inserted, namely :—

"87CC. *Restrictions on amendment of articles or agreement relating to appointment or remuneration of managing agents, etc.*—Notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of, or agreement with, any company,—

(*a*) the appointment of a managing agent for the company for the first time after the 21st day of July, 1951, and

(*b*) in the case of a company managed by a managing agent,—

(*i*) any amendment in the articles of, or any variation in any agreement with, the company which relates to the appointment of the managing agent or which purports to increase, or has the effect of increasing, whether directly or indirectly, the remuneration of the managing agent, managing director or any other director, * * * or

(ii) the reappointment after the 21st day of July, 1951, of a managing agent holding office as such on that date or the appointment of a new managing agent in place of the managing agent holding office as such on that date, or thereafter,

shall be void unless approved by the Central Government."

* * * * *

(2) Nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company.

7. *Insertion of new sections* 153*C and* 153*D in Act VII of* 1913.—In Part IV of the principal Act, before section 154, the following heading and sections shall be inserted, namely :—

"*Alternative remedy to winding up in cases of mismanagement or oppression.*

153C. *Power of court to act when company acts in a prejudicial manner or oppresses any part of its members.*—(1) Without prejudice to any other action that may be taken, whether in pursuance of this Act or any other law for the time being in force, any member of a company who complains that the affairs of the company are being conducted—

(a) in a manner prejudicial to the interests of the company, or

(b) in a manner oppressive to some part of the members (including himself),

may make an application to the court for an order under this section.

(2) An application under sub-section (1) may also be made by the Central Government if it is satisfied that the affairs of the company are being conducted as aforesaid.

(3) No application under sub-section (1) shall be made by any member, unless—

(a) in the case of a company having a share capital, the member complaining—

(i) has obtained the consent in writing of not less than one hundred in number of the members of the company or not less than one-tenth in number of the members whichever is less, or

(ii) holds not less than one-tenth of the issued share capital of the company upon which all calls and other sums due have been paid : and

(b) in the case of a company not having a share capital, the member complaining has obtained the consent in writing of not less than one-fifth in number of the members, and where there are several persons having the same interest in any such application and the condition specified in clause (a) or clause (b) of this sub-section is satisfied with reference to one or more of such persons, any one or more of them may, with the permission of the court, make the application on behalf of, or for the benefit of, all persons so interested, and the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), shall apply to any such application as it applies to any suit within the meaning of that rule.

(4) If on any such application the court is of opinion—

(a) that the company's affairs are being conducted as aforesaid, and

(b) that to wind up the company would unfairly and materially prejudice the interests of the company or any part of its members, but otherwise the facts would justify the making of a winding up order on the ground that it is just and equitable that the company should be wound up,

the court may, with a view to bringing to an end the matters complained of, make such order in relation thereto as it thinks fit.

(5) Without prejudice to the generality of the powers vested in a court under sub-section (4), any order made under that sub-section may provide for—

(a) the regulation of the conduct of the company's affairs in future;

(b) the purchase of the shares or interests of any members of the company by other members thereof or by the company;

(c) in the case of a purchase of shares or interests by the company being a company having a share capital, for the reduction accordingly of the company's capital or otherwise;

(d) the termination of any agreement, howsoever arrived at, between the company and its manager, managing agent, managing director or any of its other directors;

(e) the termination or revision of any agreement entered into between the company and any person other than any of the persons referred to in clause (d), provided that no such agreement shall be terminated or revised except after due notice to the party concerned and, in the case of the revision of any such agreement, after obtaining the consent of the party concerned thereto;

(f) the setting aside of any transfer, delivery of goods, payment, execution or other act relating to property made or done by or against the company within three months before the date of the application under sub-section (1), which would, if made or done by or against an individual, be deemed in his insolvency to be a fraudulent preference.

(6) Where an order under this section makes any alteration in, or addition to the memorandum or articles of any company, then notwithstanding anything contained in any other provision of this Act, but subject to the provisions of the order, the company concerned shall not have power without the leave of the court to make any further alteration in or addition to the memorandum or articles inconsistent with the provisions of the order, but subject to the foregoing provisions of this sub-section the alterations or additions made by the order shall have the same effect as if duly made by a resolution of the company, and the provisions of this Act shall apply to the memorandum or articles as so altered or added to accordingly.

(7) A certified copy of every order under this section altering or adding to, or giving leave to alter or add to, the memorandum or articles of any company shall, within fifteen days after the making thereof, be delivered by the company to the registrar for registration, and if a company makes default in complying with the provisions of this sub-section, the company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees.

(8) It shall be lawful for the court upon the application of any petitioner or of any respondent to a petition under this section and upon such terms as to the court appears just and equitable, to make any such interim order as it thinks fit for regulating the conduct of the affairs of the company pending the making of a final order in relation to the application.

(9) Where any manager, managing agent, managing director or any other director or any other person who has not been impleaded as a respondent to any application under this section applies to be made a party thereto, the court shall, if it is satisfied that his presence before the court is necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the application, direct that the name of any such person be added to the application.

(10) In any case in which the court makes an order terminating any agreement between the company and its manager, managing agent or managing director or any of its other directors, as the case may be, the court may, if it appears to it that the manager, managing agent, managing director or other director, as the case may be, has misapplied or retained or become liable or accountable for any money or property of the company or has been guilty of any misfeasance or breach of trust in relation to the company, compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the court thinks just, or to contribute such sums to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the court thinks just, and the provisions of section 235 and 236 of this Act shall apply as they apply to a company in the course of being wound up.

Explanation.—For the purposes of this section, any material change after the 21st day of July, 1951, in the control of a company, or in the case of a company having a managing agent in the composition of the managing agent which is a firm or in the control of the managing agent which is a company, may be deemed by the court to be a fact which would justify the making of a winding-up order on the ground that it would be just and equitable that the company should be wound up:

Provided that the court is satisfied that by reason of the change the interests of the company or any part of its members are or are likely to be unfairly and materially prejudiced.

153D. *Effect of termination of managing agency agreement, etc.*—(1) Where by virtue of an order made under sub-section (5) of section 153C an agreement between a company and its manager, managing agent, managing director or other director, as the case may be, is terminated or any other agreement is terminated or revised,—

(*a*) the order shall not give rise to any claim on the part of the manager, managing agent, managing director or other director, as the case may be, for damages or for compensation for loss of office or otherwise, whether the claim is made in pursuance of the agreement or otherwise, * *

(*b*) the order shall not give rise to any claim on the part of any other person for damages or for compensation for the termination or revision of any other agreement, and

(*c*) no manager, managing agent, managing director or other director or any associate of such managing agent shall, without the leave of the court, be appointed or re-appointed or be entitled to act as the manager, managing agent, managing director or director of the company for a period of five years from the date of the order.

(2) If any person acts as the manager or manager of a company in contravention of the provisions of this section, such person, and in the case of a company each of its directors, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees or with both.

(3) No court shall grant leave under this section unless notice of the application has been served on the Central Government and the Central Government has been given an opportunity of being heard in the matter.

Explanation.—In this section, the expression 'associate of a managing agent' means—

(*a*) any firm of which the managing agent is a partner;

(*b*) any partner of the managing agent;

(*c*) any private company in which the managing agent or any partner of the managing agent or any officer of the managing agent is a member, director, managing agent or manager;

(*d*) in the case of a managing agent which is a company, any subsidiary company of the managing agent and any director, managing agent or manager of the managing agent or any subsidiary company of the managing agent;

(*e*) where the managing agent is a private company, any director or any member thereof;

(*f*) any company of which the managing agent, whether alone or together with any partner of the managing agent, and where the managing agent is a company, any director of the managing agent, is entitled to exercise, or control the exercise of, one-quarter or more of the voting power at any general meeting."

8. *Insertion of new section* 289*B in Act VII of* 1913.—After section 289A of the principal Act, the following section shall be inserted, namely,—

"289B. *Power of Central Government to appoint advisory commission and to make rules in respect of certain matters.*—(1) For the purpose of advising it in relation to any matter arising out of section 86J, section 87AA, clause (*c*) of section 87B, section 87BB or section 87CC, the Central Government may constitute a commission consisting of not more than three persons with suitable qualifications and appoint one of them to be the chairman thereof.

(2) It shall be the duty of the commission to inquire into and advise the Central Government on all applications for approval made to the Central Government under any of the sections referred to in sub-section (1) and on all other matters which may be referred to it by the Central Government under any of the said sections.

(3) Every application for approval made to the Central Government under any of the sections referred to in sub-section (1) shall be in such form as may be prescribed.

(4) Before any application for approval is made to the Central Government, there shall be issued by or on behalf of the company a general notice to the members indicating the nature of the approval sought, and such notice shall be published once in the principal

Indian language of the State in which the registered office of the company is situate in a newspaper circulating in that State, and once in English in a newspaper similarly circulating, and copies of the publication duly certified by the company shall be attached to the application for approval:

Provided that nothing in this sub-section shall apply to a private company which is not the managing agent of a public company.

(5) For the purpose of making any inquiry under this section the commission may—

(*a*) require the production before it of any books or other documents in the possession, custody or control of the company relating to any matter under inquiry;

(*b*) call for any further information or explanation if the commission is of opinion that such information or explanation is necessary in order that the books or other documents produced before it may afford full particulars of the matter to which they purport to relate;

(*c*) with such assistants as it thinks necessary, inspect any books or other documents so produced and make copies thereof or take extracts therefrom;

(*d*) require any manager, managing agent, managing director or any other director or other officer of the company or any shareholder or any other person who, in the opinion of the commission, is likely to furnish information with respect to the affairs of the company relating to any matter under inquiry, to appear before it, and examine such person on oath or require him to furnish such information as may be required and administer an oath accordingly to the person for the purpose.

(6) If any person refuses or neglects to produce any book or other document in his possession or custody which he is required to produce under this section or to answer any question put to him relating to any matter under inquiry, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

(7) No suit or other legal proceeding shall lie against the Central Government, the commission or any member of the commission in respect of any thing which is in good faith done or intended to be done in pursuance of this section or the sections referred to in sub-section (1) or of any rules or orders made thereunder."

9. *Repeal of Ordinance III of* 1951.—(1) The Indian Companies (Amendment) Ordinance, 1951 (III of 1951) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

M. N. KAUL,

Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV.

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. A. F. 7841—I. & S. 2-51-2, dated Bangalore, 30th November 1951.

The accompanying Notification No. S. R. O. 1652, dated 23rd October 1951 of the Government of India, Ministry of Commerce and Industry, publishing the Notification issued by the Iron and Steel Controller under the Iron and Steel (Control of Production and Distribution) Order, 1941, is republished for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

New Delhi, the 23rd October 1951.

S.R.O. 1652.—The following Notification issued by the Iron and Steel Controller under Clause 11B of the Iron and Steel (Control of Production and Distribution) Order, 1941, is published for general information :—

NOTIFICATION.

In exercise of the powers conferred by sub-clause (1) of Cluase 11B of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Iron and Steel Controller is pleased to notify the following amendments to Extras List No. 1 of 1945 issued under the late Department of Supply Notification No. SEC-1/P4, dated the 23rd June 1945, published in the *Gazette of India*, dated the 30th June, 1945, namely :—

The following entries shall be inserted in the Extras List No. 1 of 1945 at the appropriate places as indicated below :—

A.—*Bars, Structurals, Plates, Sheets, Semis and Rails.*

A.—Base Price Item No. 1—Bars (Rounds and Squares below 3" and Flats up to and including 5" wide).

2. Thin Flats:

(Extras in Rupees per ton).

Width	Thickness			
	16 G or 1/16″	14G or 5/64″	10G or ⅛″	½″
5/8″	..	130/-	..	..
7/8″	..	..	..	25/-
1-1/8″	130/-	..	..	..
3″	..	..	35/-	..
3-1/8″	..	..	11/4/-	..
4″	..	..	11/4/-	..

C.—Base Price Item No. 3—Structurals.

1. Joists—20″×6-1/4″ .. .. Rs. 7/8- per ton
2. Channels—4″×1-5/8″ .. .. Rs. 18/- per ton.
3. (a) Angles

(Extras in Rupees per ton).

Size	3/16″	5/32″	1/8′
2-1/4″×2-1/4″	18/12/-		..
1-3/4″×1-3/4″	..	48/12/-	..
1-3/4″×1-3/4″	..	..	42/12/-

(b) 2-1/2″×2-1/2″×13/16″ (Door Striking bars) .. .. .. Rs. 20/- per ton
(c) 3-3/4″×1-7/8″×3/4″ (Horn Check Section) .. .. .. Rs. 20/- per ton.

5. Tees—1-3/4″×1-3/4″×1/4″ .. .. Rs. 32/- per ton.

D. Base Price Item No. 4—Plates 3/8″ and up.

3. Miscellaneous—

Copper Bearing Plates with copper content .1 to .2 per cent .. Rs. 15/- per ton.

5. (i) Extras for Heavy Plates 3/16″ thick and thicker—

Extra for thickness:—

Over 1-1/2″ up to and including 1-5/8″ .. .. .. Rs. 7/8- per ton.
Over 1-5/1″ do 3-3/4″ .. .. .. Rs. 15/- per ton.
Over 1-3/4″ do 2″ .. .. .. Rs. 22/8/- per ton.
Over 2″ .. .. .. Rs. 30/- per ton,

Extra for sizes :—

Width for every 3″ or part over the following limits of width—

(a) 1/4″ and under 3/8″ thick, 66″ wide .. .. .. Rs. 2/- per ton.

(b) Under 1/4″ down to and including 3/16″ thick for every 6″ or part in excess of 60″ wide .. .. .. Rs. 11/4- per ton.

(ii) Extras for medium plates under 3/16″ thick—

Extras for length :—

Exceeding 12′ and up to and including 14′ .. .. .. Rs. 5/8/- per ton.

Exceeding 14″ and up to and including 16′ .. .. .. Rs. 9/4- per ton.

Exceeding16″ and up to and including 20′ .. .. .. Rs. 11/4- per ton.

E.—Base Price Item No. 5—Plates 1/8″ unannealed—

3. Circular or Half Circular Plates .. .. Rs. 25/- per ton.

F.—Base Price Item No. 6—Plates 1/8″ annealed—

4. Circular or Half Circular Plates .. .. Rs. 25/- per ton.

5. Black sheets 10G rolled in sheet Mills only will have the same extras as provided for Black sheets 11-14G as per item I—Base Price Item No. 9.

I.—Base Price Item No. 9—Black sheets (Gauges 11—14)

2. Extras for Special Processing—

(v) Pickling (once pickled)—

(c) 10 gauges .. .. Rs. 18/- per ton.

(d) 11-13 gauges .. .. Rs. 18/- per ton.

(e) 28 gauges .. .. Rs. 30/- per ton.

(f) 29 gauges .. .. Rs. 30/- per ton.

(g) 30 gauges .. .. Rs. 37/12/- per ton.

(vii) Coating with Prevoke oil .. .. Rs. 15/- per ton.

(viii) Deoxydisation of sheets .. .. Rs. 7/8/- per ton.

3. Extras for Special Quality—

(x) Spring Steel sheets from Electric Furnace .. .. Rs. 216/- per ton.

(xi) Copper bearing sheets with copper content .15% to .25% Rs. 15/- per ton.

4. Extras for Special Sizes—

(i) Black Sheets—

(Extras in Rupees per ton)

Size	Gauges											
	10G	11G	12G or 3/32″	13G	14 G	15G	16G or 1/16″	18G	20G	22/24G	24G	26G
2′-6″ × 2′-0″							3/12/-					
3′-0″ × 1′-9″							7/8/-					
3′-0″ × 2′-6″							3/12/-					
3′-0″ × 3′-0″							3/12/-					
3′-6″ × 2′-0″							3/12/-					
4′-0″ × 6′-10½″	15/-											
6′-0″ × 1′-10″			3/12/-									
7′-0″ × 6′-0″								11/4/-				
7′-1″ × 1′-10½″							3/12/-					
8′-0″ × 1′-10″				3/12/-								
8′-6 × 3′-2½″												3/12/-
8′-9″ × 0′-5″							18/12/-					
9′-0″ × 2′-6″												9/6/-
9′-1″ × 2′-3 3/8″												7/8/-
9′-10″ × 53″ (2.5 lbs.)							9/6/-					
10′-0″ × 2′-6″												18/12/
10′-0″ × 56″		15/-										
10′-2″ × 35½″			3/12/-									
10′-2″ × 34¼″			3/12/-									
10′-3″ × 38″			3/12/-									
10′-4″ × 26½″			3/12/-									
10′-4″ × 31″			3/12/-									
10′-4″ × 38¼″			3/12/-									
10′-4″ × 3′-0″							5/10/-					
10′-5″ × 3′-6″							16/14/-					
10′-6″ × 33″			3/12/-									
10′-6″ × 3′-7″								9/6/-				
10′-7½″ × 34″			3/12/-									
10′-9″ × 37″ (2.5 lbs.)							3/12/-					

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10′-9″×44″ (2.5 lbs.)	..	..	..	..	..	..	..	..	5/10/-	..	..	..	..
10′-11″×4′-6″	..	..	..	..	..	..	..	..	13/2/-	..	..	..	..
11′-0″×3′-0″	..	..	..	..	..	..	..	..	..	..	..	11/-	..
11′-0″×3′ to 3′-6″	..	..	..	..	..	..	7/8/-	..	7/8/-	..	..	..	..
11′-0″×over 3′-6″ to 4′-0″	..	..	..	..	..	..	..	..	13/2/-	..	..	..	..
11′-0″×3′-6″	..	..	..	..	..	..	..	7/8/-	7/8/-	37/8/-	..	..	..
11′-1″×3′-0″	..	..	..	..	..	..	..	..	..	..	7/8/-	..	..
11′-4″×56″	..	..	..	..	..	..	..	..	28/2/-	..	..	..	..
11′-6″×4′-0″	..	..	..	..	..	..	..	13/2/-	13/2/-	..	..	..	..
11′-6″×4′-6″	..	..	..	..	..	..	..	20/10/-	20/10/-	..	..	..	..
11′-9″×2′-7½″	..	..	..	..	..	..	7/8/-	..	..	..	..	..	..
12′-0″×2′-0″	..	..	..	..	..	..	..	..	..	..	..	..	28/2/-
12′0″×2′-6″	..	..	..	..	3/12/-	..	..	..	..	..	..	..	..
12′-0″×2′-8″	..	..	..	..	..	..	15/-	..	..	..	..	..	..
12′-0″×2′-10″	..	..	..	..	9/6/-	..	..	..	..	..	..	..	..
12′-0″×3′-0″	..	..	..	..	..	..	..	..	..	15/-	15/-	..	..
12′-0″×3′-2″	..	..	..	..	..	..	..	..	..	15/-	..	..	..
12′-0″×3′-3″	..	..	..	..	16/14/-	16/14/-	15/-	..	..	15/-	..	..	..
12′-0″×3′-6″	..	..	..	16/14/-	16/14/-	16/14/-	..	..	..	22/8/-	..	..	..
12′-0″×45″	..	..	..	..	..	..	18/12/-	..	..	..	..	..	..
12′-0″×4′-0″	..	..	..	16/14/-	16/14/-	16/14/-	..	..	..	..	..	..	..
12′-0″×4′-6″	..	..	..	..	..	..	..	28/2/-	28/2/-	..	..	..	..

(ii) Black Corrugated Sheets—

16G×8/3″ Corrg. ×11′—0″	Rs. 7/8/-	per ton.
24G×10/3″ Corrg. ×12′—0″	Rs. 18/12/-	do
26G×8/3″ or 9/3″ Corrg.×10′—0″	Rs. 15/-	do
(vi) Extra for rolling sheets to specified thickness tolerance ..	Rs. 25/-	do

5. Panel Plates—

(iii) For packing in Steel Envelopes	Rs. 13/8-	do

6. Stretcher Levelled Sheets—

(i) Patent flattening and gripper marks removed	Rs. 15/-	do
(ii) End shearing after flattening, *i.e.*, stretcher levelling plus re-shearing on all sides	Rs. 26/4/-	do

J. *Base Price Item No.* 10—*Galvanised Corrugated Sheets.*—

2. Plain sheets—

(iii) 12′×12″×18G	Rs. 26/4/-	do
8′×3′—2″×22G	Rs. 3/12/-	do
19.75″×5.875″×22/24G..	Rs. 26/4/-	do
95-1/2″×23-1/8″×26G	Rs. 7/4/-	do
(v) For shearing G.P. Sheets less than the minimum size of 6′×2′...	Rs. 3/-	do
5. For annealing G.C. Sheets 18G and thinner	Rs. 7/-	do

K. Base Price Item No. 11 Heavy Rails—

1. Sandberg Controlled Cooled Rails	Rs. 1/-	do

S. Base Price Item No. 19 Blooms Slabs and Billets.

7. Billets to Specification TSC. 2	Rs. 123/-	do
8. Cutting charges for Plooms and Billets up to 15″ sq.	Rs. 10/-	do

T Miscellaneous Extras on all Steel—

1. Special quality—

(o) (v) Bars to Specification EN-1	Rs. 26/-	..do
(vi) Bars to Specification EN-7	Rs. 50/-	do
(p) (iv) Extra for Specification IRST. 1A/34 and T. 1/39 ..	Rs. 40/-	do
(q) Basic Open Hearth High Carbon Steel-Carbon contents		
.35/.45%	Rs. 50/-	
.4/.5%	Rs. 50/-	
.45/.85%	Rs. 90/-	do
(r) For copper contents in Steel—		
Copper up to .5%	Rs. 15/-	do
Copper over .35% up to .5%	Rs. 18/12/-	do
Copper over .5% up to .75%	Rs. 30/-	
4. Bundling with wire—	Rs. 5/-	do
Wrapping the two ends of bundles with hessian cloth including the cost of cloth	Rs. 5/-	do

[No. SC (A)-2 (71)/51]

M. K. POWVALA,
Iron and Steel Controller.

N. R. REDDY, Under Secy.

NOTIFICATION.

No. L.S. 3728—L.W. 168-51-7, dated Bangalore, 20th December 1951.

Whereas by order No. L.S. 2727—L.W. 168-51-5, dated 11th October 1951 made by the State Government, an industrial dispute between the Management of the Mysore Spinning and Manufacturing Company, Ltd., Bangalore, and the workmen employed in the said concern, was referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951;

And whereas it is necessary to remove doubts in respect of the person referred to in the schedule annexed to the said Order of the State Government dated 11th October 1951;

Now therefore in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947) His Highness the Maharaja of Mysore hereby directs that for the words "Sri Ramalu" occurring in the Schedule to the order dated 11th October 1951, the words and figures "Sri K. Sriramalu, Rg. 258 employee of the Mills and" shall be substituted.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. 13604—Ela. 146-51-1, dated Bangalore, 20th December 1951.

In exercise of the powers conferred by section 166 of the Representation of the People Act, 1951 (Central Act XLIII of 1951) His Highness the Maharaja of Mysore is pleased to direct that all the powers conferred and all duties imposed on the State Government under the provisions of sections 160, 161, 162, 163, 164 and 165 of the said Act shall also be exercised or discharged by the Officers specified in column 1 of the Table below within the areas mentioned in column 2 thereof.

TABLE.

	1	2
1.	Deputy Commissioner, Bangalore District ...	Bangalore District excluding the City of Bangalore.
2.	Commissioner, City of Bangalore Municipal Corporation.	City of Bangalore.
3.	Deputy Commissioner, Kolar District ...	Kolar District.
4.	Do Tumkur District ...	Tumkur District.
5.	Do Chitaldrug District ...	Chitaldrug District.
6.	Do Shimoga District ...	Shimoga District.
7.	Do Chickmagalur District	Chickmagalur District.
8.	Do Hassan District ...	Hassan District.
9.	Do Mysore District ...	Mysore District excluding Mysore City.
10.	Do Mandya District ...	Mandya District.
11.	Municipal Commissioner, Mysore City Municipality.	Mysore City.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

PRINTED BY THE DIRECTOR OF PRINTING, STATIONERY AND PUBLICATIONS AT THE GOVERNMENT PRESS, BANGALORE, 1951.

ERRATA.

1. After Notification No. S. R. 6215—Regis., insert "18-51-3" dated 12th December 1951.

2. On page 581, under item (i), line 3 "part"

3. On page 585, under item (2), add the word Note as follows: "Note—(2)"

4. On page 587, under item (7), sub-item (*f*) private attendance, add" (*a*) issue of Commission"

5. Item (*g*) be substituted for item (*h*) under item (7) on page 587.

B. T. KEMPANNA,

Secretary to Government,
Revenue Department.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

Order No. L.D. 1746—Legis. 55-51-1, dated Bangalore, 19th December 1951.

Ordered that the accompanying Mysore Legislature (Prohibition of Simultaneous Membership) Act, 1951, which received the assent of His Highness the Maharaja, on the First day of December 1951, be published as Mysore Act No. XXXIII of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. XXXIII OF 1951.

THE MYSORE LEGISLATURE (PROHIBITION OF SIMULTANEOUS MEMBERSHIP) ACT, 1951.

(Received the assent of H. H. the Maharaja on the First Day of December 1951).

An Act to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Mysore of his seat in one House or the other.

WHEREAS it is necessary to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Mysore of his seat in one House or the other; Preamble.

It is hereby enacted as follows:—

1. This Act may be called the Mysore Legislature (Prohibition of Simultaneous Membership) Act, 1951. Short title.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "Assembly" means the Legislative Assembly of the State of Mysore;

(2) "Council" means the Legislative Council of the State of Mysore;

(3) "House" means the Assembly or the Council.

Vacation of seat by persons when elected as members of both the Assembly and the Council.

3. (1) Any person who is chosen a member of both the Assembly and the Council and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary of each of the Houses or to any person authorised by the Rajpramukh in this behalf, within ten days from the date of publication in the *Mysore Gazette* of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

Vacation of seats by persons already members of one House on election to the other House.

4. (1) If a person who is already a member of the Assembly and has taken his seat in the Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the *Mysore Gazette* of the declaration that he has been so chosen, become vacant.

(2) If a person who is already a member of the Council and has taken his seat in the Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the *Mysore Gazette* of the declaration that he has been so chosen, become vacant.

By Order of His Highness the Maharaja

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 1747—Legis. 56-51-1, dated Bangalore, 19th December 1951.

Ordered that the accompanying Cattle Trespass (Amendment) Act, 1951 which received the assent of His Highness the Maharaja, on the 12th day of December 1951, be published as Mysore Act No. XXXIV of 1951, in the *Mysore Gazette*, for general information.

MYSORE ACT NO. XXXIV OF 1951.

THE CATTLE TRESPASS (AMENDMENT) ACT 1951.

Received the assent of His Highness the Maharaja on the Twelfth day of December 1951.

An Act further to amend the Cattle Trespass Act, 1871.

Preamble.

WHEREAS it is expedient further to amend the Cattle Trespass Act, 1871, (Act I of 1871), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Cattle Trespass (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of section 3 of Act I of 1871.

2. In section 3 of the Cattle Trespass Act, 1871, the following additional definition shall be added :

"'Magistrate of the District' means the District Magistrate having jurisdiction over the District."

Substitution of a new section for section 12 of Act I of 1871.

3. For section 12 of the Cattle Trespass Act, 1871, the following section shall be substituted namely :—

Fines for cattle impounded.

"12. (1) For every head of cattle impounded as aforesaid the pound-keepers shall levy a fine in accordance with the scale for the time being prescribed by the State Government in this behalf by notification in the *Mysore Gazette*. Different scales may be prescribed for the different local areas.

All fines so levied shall be sent to the Magistrate of the District through such officer as the State Government may direct.

A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.

(2) Every notification issued under sub-section (1) shall come into force from the date of its publication in the *Mysore Gazette* and shall be laid before the State Legislative Assembly, if it is in session as soon as may be after the issue of the notification and if it is not in session within three days of its re-assembly, and any member may by a resolution moved within a period of seven days beginning with the day on which the notification is so laid before the Assembly, seek to make any modification in such notification and if such resolution is passed by the Assembly, the notification shall thereafter have effect only in such modified form, but without prejudice to the validity of anything previously done thereunder."

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press Bangalore.

PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 3720—L.W. 238-51-2, dated Bangalore, 19th December 1951.

In exercise of the powers conferred by Section 42 of the Mysore Shops and Establishments Act, 1948 (Mysore Act No. II of 1948), His Highness the Maharaja of Mysore is pleased to appoint Sri S. R. Mallikarjuna, B.Sc., Assistant Employment Officer, Plantation Division, Chikmagalur, to be an Inspector for the purposes of the said Act within the limits of Chikmagalur Town, in supersession of Notification No. L.S. 2648—L.W. 47-50-8, dated 3rd October 1951.

By Order of His Highness the Maharaja,

No. L.S. 3788—L.W. 93-51-4, dated Bangalore, 20th December 1951.

In exercise of the powers conferred by sub-section (3) of Section 3 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923), His Highness the Maharaja of Mysore is pleased to direct that the employment specified hereunder shall be added to the employments specified in schedule III of the said Act and also to specify the diseases which within the State of Mysore shall for the purpose of Section 3 of the said Act be deemed to be occupational diseases peculiar to such employment, notice of such intention having been given in Notification No. L.S. 1370—L.W. 93-51-2, dated 9th July 1951, published in Part IV-II C of the *Mysore Gazette*, dated 19th July 1951, as required by the said sub-section.

Occupational Disease.		*Employment*
Miners' Phthisis or Silicosis	...	Any occupation wherein the mineral dust is such as to cause silicosis.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

No. L.S. 3820—L. W. 71-51-9, dated Bangalore, 26th December 1951.

Whereas it is proposed to extend the provisions of the Payment of Wages Act, 1936 (Central Act No. IV of 1936) to the payment of wages to all classes of persons employed in plantations;

Now therefore in exercise of the powers conferred by sub-section (5) of Section 1 of the said Act, His Highness the Maharaja of Mysore is pleased to give three months' notice of intention so to do as required by the said Section.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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Registered No. M. 1175.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, FRIDAY, DECEMBER 28, 1951

NOTIFICATION.

No. L. S. 3852—L.W. 246-51-1, dated Bangalore, 28th December 1951.

His Highness the Maharaja of Mysore desires that all workers should get a reasonable opportunity to exercise their right to vote in the first General Elections under the Constitution of India. He is, therefore, pleased to direct that 2nd January 1952 in Bangalore, Mysore and Kolar Gold Field areas and every polling date in other respective places be declared as a holiday without wages and dearness allowance for workers in all Government-owned and aided industrial concerns. These concerns may be kept open for work on any other holiday either before or after the polling day when the workers may work and get their usual wages and dearness allowance.

His Highness the Maharaja of Mysore further desires that the Managements of private industrial concerns and owners of Plantations in the State do grant similar facilities to their respective workers to enable them to exercise their right to vote.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175.

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PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, FRIDAY, DECEMBER 28, 1951

PART IV.

Section 2-C.

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L. 10343—CM. 27-51-10, dated Bangalore, the 28th December 1951.

WHEREAS the term of office of the Councillors of Davangere City Municipality constituted in Notification No. L. 12207—Ml. 41-47-25, dated 27th December 1947, is due to expire on the 31st day of December 1951;

AND WHEREAS it is necessary to reconstitute the said Municipality after elections are held on the basis of adult franchise;

NOW THEREFORE in exercise of the powers conferred by Section 15 of the Mysore Town Municipalities Act, 1933 (Mysore Act VII of 1933), as amended by Section 8 of the Mysore City Municipalities (Amendment) Act, 1951 (Mysore Act No. XXXVI of 1951), His Highness the Maharaja of Mysore is pleased to extend the term of office of the Councillors of the said Davangere City Municipality up to the first day of July 1952.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.